

By Mr. SMITH of Texas: A bill (H. R. 28735) authorizing the payment of damages to persons for injuries inflicted by Mexican Federal or insurgent troops within the United States during the insurrection in Mexico in 1911, making appropriation therefor, and authorizing the Secretary of State to proceed, in conformity with diplomatic usage and international law, to secure reimbursement therefor from Mexico; to the Committee on Foreign Affairs.

By Mr. SPEER: A bill (H. R. 28736) granting an increase of pension to Richard M. Hovis; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 28737) granting a pension to John A. McLaughlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Worley Bible Class, Bethany Baptist Sunday School, Washington, D. C., extending their thanks to the House of Representatives for passing the Webb liquor bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. FOSS: Petition of Charles M. Stewart and other citizens of the tenth congressional district of Illinois, favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of the American Laundry Machinery Co., of Rochester, N. Y., favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the National League of Government Employees, Washington, D. C., favoring the passage of House bill 20995, granting to certain employees of the United States the right of compensation for injuries sustained in the course of their employment; to the Committee on the Judiciary.

Also, petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of any legislation to transfer the control of the national forests to the States wherein they lie; to the Committee on Agriculture.

Also, petition of the Remington Typewriter Co., New York, protesting against the passage of the Oldfield patent law revision bill (H. R. 23417) making certain changes in the present patent laws; to the Committee on Patents.

Also, petition of the Thread Agency, New York, N. Y., favoring the passage of House bill 16663, permitting corporations, joint-stock companies, etc., to change the date of filing annual returns to the close of their fiscal year; to the Committee on Ways and Means.

Also, petition of the New York State Fruit Growers' Association, favoring the passage of the Nelson bill (S. 7208) proposing certain radical changes in the law of the United States relating to the carriage of cargo by sea; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the State of New York, protesting against the passage of the Nelson bill (S. 7208) proposing radical changes in the law of the United States relative to the carriage of cargo by sea; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia Coal Exchange, Philadelphia, Pa., favoring the passage of legislation to repeal the mercantile-tax bill; to the Committee on Ways and Means.

Also, petition of the New York State Legislative Board, Brotherhood of Locomotive Engineers, favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: Petition of numerous citizens of Cherry County, Nebr., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of Albert Hart, of Leoui, Clonney & Co., favoring the passage of legislation repealing the tariff duty on sponges; to the Committee on Ways and Means.

Also, petition of the Astoria Retail Merchants' Association, favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of the Central Federated Union of Greater New York and vicinity, New York, N. Y., relative to the payment of the crews of the Panama Steamship Line and the special privileges granted to said company, which is controlled and owned by the United States Government; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Children's Aid Society, New York, favoring the passage of Senate bill 3 granting Federal aid for vocational education; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Petition of the Woman's Christian Temperance Union of Rhode Island, Providence, R. I., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the League of Improvement Societies in Rhode Island, Providence, R. I., favoring the passage of the McLean bill granting Federal aid for the protection of all migratory birds; to the Committee on Agriculture.

Also, petition of the System Federation of the Harriman Lines, favoring the passage of legislation for enforcing the inspection of the locomotive boilers and safety appliances for railway equipment, and also an investigation by Congress relative to improving the condition of the American railway employees; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of citizens of Berwick, Pa., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. PUJO: Papers to accompany bill for the relief of Arthur J. Coney, sole heir of L. J. J. Coney, deceased; to the Committee on War Claims.

By Mr. RUCKER of Colorado: Petition of the Farmers' Educational and Cooperative Union of America, Denver, Colo., protesting against the passage of legislation lowering the tariff duties on sugar and other farm products; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, February 12, 1913.

(Legislative day of Tuesday, February 11, 1913.)

The Senate reassembled at 12 o'clock and 40 minutes p. m. on the expiration of the recess.

Mr. CULLOM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore (Mr. BACON). The Senator from Illinois suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Smith, Ga.
Bacon	Dillingham	McLean	Smith, Md.
Bankhead	Fletcher	Martine, N. J.	Smith, Mich.
Bourne	Foster	Myers	Smoot
Bradley	Gallinger	Nelson	Stephenson
Brady	Gamble	O'Gorman	Stone
Brandegee	Gardner	Oliver	Sutherland
Bristow	Gronna	Overman	Swanson
Brown	Guggenheim	Owen	Thomas
Bryan	Hitchcock	Page	Thornton
Burnham	Jackson	Paynter	Tillman
Burton	Johnson, Me.	Percy	Townsend
Catron	Johnston, Ala.	Perkins	Warren
Chamberlain	Jones	Pomerene	Webb
Clapp	Kavanaugh	Richardson	Wetmore
Clark, Wyo.	Kenyon	Root	Williams
Crane	La Follette	Sheppard	Works
Crawford	Lippitt	Slimmons	
Cullom	Lodge	Smith, Ariz.	

Mr. WEBB. I wish to state that my colleague [Mr. LEA] is necessarily absent from the Senate.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 74 Senators have responded to their names, and a quorum of the Senate is present.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. JONES. I desire to offer an amendment intended to be proposed to the bill. I ask that it may be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After the word "otherwise," in line 18, page 2, insert the following additional proviso:

Provided further. That if at any time said Connecticut River Co. or its assigns shall be owned or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of or in any way effect any combination or be in any wise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted

may be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

COUNT OF ELECTORAL VOTES.

The PRESIDENT pro tempore. The hour of 12 o'clock and 50 minutes having arrived, the Senate, under the previous order made, will now proceed to the Hall of the House of Representatives to take part in the count of the electoral votes for President and Vice President of the United States.

The Senate, preceded by the President pro tempore, the Secretary, and the Sergeant at Arms, thereupon proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral votes for President and Vice President of the United States.

The Senate returned to its Chamber at 2 o'clock and 15 minutes p. m., and the President pro tempore resumed the chair.

Mr. DILLINGHAM, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice President of the United States, said:

Mr. President, the tellers on the part of the Senate submit the following report as the result of the ascertainment and counting of the electoral votes for President and Vice President of the United States for the term beginning March 4, 1913, and ask that the report may be entered upon the Journal of the Senate without reading.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The state of the vote for President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 435 votes;

Theodore Roosevelt, of the State of New York, has received 88 votes;

William Howard Taft, of the State of Ohio, has received 8 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 435 votes;

Hiram W. Johnson, of the State of California, has received 88 votes;

Nicholas Murray Butler, of the State of New York, has received 8 votes.

This announcement of the state of the vote by the President of the Senate pro tempore shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1913, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The report of the tellers as entered on the Journal is as follows:

The undersigned, WILLIAM P. DILLINGHAM and JAMES E. MARTINE, tellers on the part of the Senate, and WILLIAM W. RUCKER and H. OLIN YOUNG, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral votes for President and Vice President of the United States for the term beginning March 4, 1913:

Number of electoral votes to which each State is entitled.	States.	For President.			For Vice President.		
		Woodrow Wilson, of New Jersey.	Theodore Roosevelt, of New York.	William Howard Taft, of Ohio.	Thomas R. Marshall, of Indiana.	Hiram W. Johnson, of California.	Nicholas Murray Butler, of New York.
12	Alabama.....	12			12		
3	Arizona.....	3			3		
9	Arkansas.....	9			9		
13	California.....	2	11		2	11	
6	Colorado.....	6			6		
7	Connecticut.....	7			7		
3	Delaware.....	3			3		
6	Florida.....	6			6		
14	Georgia.....	14			14		

Number of electoral votes to which each State is entitled.	States.	For President.			For Vice President.		
		Woodrow Wilson, of New Jersey.	Theodore Roosevelt, of New York.	William Howard Taft, of Ohio.	Thomas R. Marshall, of Indiana.	Hiram W. Johnson, of California.	Nicholas Murray Butler, of New York.
4	Idaho.....	4			4		
29	Illinois.....	29			29		
15	Indiana.....	15			15		
13	Iowa.....	13			13		
10	Kansas.....	10			10		
13	Kentucky.....	13			13		
10	Louisiana.....	10			10		
6	Maine.....	6			6		
8	Maryland.....	8			8		
18	Massachusetts.....	18			18		
15	Michigan.....		15			15	
12	Minnesota.....		12			12	
10	Mississippi.....	10			10		
18	Missouri.....	18			18		
4	Montana.....	4			4		
8	Nebraska.....	8			8		
3	Nevada.....	3			3		
4	New Hampshire.....	4			4		
14	New Jersey.....	14			14		
3	New Mexico.....	3			3		
45	New York.....	45			45		
12	North Carolina.....	12			12		
5	North Dakota.....	5			5		
24	Ohio.....	24			24		
10	Oklahoma.....	10			10		
5	Oregon.....	5			5		
38	Pennsylvania.....		38			38	
5	Rhode Island.....	5			5		
9	South Carolina.....	9			9		
5	South Dakota.....		5			5	
12	Tennessee.....	12			12		
20	Texas.....	20			20		
4	Utah.....			4			4
4	Vermont.....			4			4
12	Virginia.....	12			12		
7	Washington.....		7			7	
8	West Virginia.....	8			8		
13	Wisconsin.....	13			13		
3	Wyoming.....	3			3		
531		435	88	8	435	88	8

WM. P. DILLINGHAM,
JAMES E. MARTINE,
Tellers on the part of the Senate.

W. W. RUCKER,
H. OLIN YOUNG,

Tellers on the part of the House of Representatives.

The PRESIDENT pro tempore. Unless there be objection, the Chair will direct that the certificates which have been read in the House of Representatives shall now be placed on the permanent files of the Senate.

Mr. OWEN. I wish to present a resolution of the House of Representatives of the State of Oklahoma, and ask that it be printed in the Record.

The PRESIDENT pro tempore. It is not in order. Under the unanimous-consent agreement nothing is in order except the pending bill. The Chair dislikes to make this suggestion to the Senator, but the unanimous-consent agreement confines the Senate strictly to the pending bill and to conference reports and appropriation bills.

Mr. OWEN. I was not aware of that.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, to report it with amendments. I desire to state that I will submit at a later day a report to accompany the bill.

The PRESIDENT pro tempore. The report presented by the Senator from South Dakota is within the terms of the unanimous-consent agreement. The bill will be placed on the calendar.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BRANDEGEE. When the Senate took a recess yesterday afternoon, the Senator from Colorado [Mr. THOMAS] was in the

midst of his address upon the pending bill, and gave notice that he would proceed upon the meeting of the Senate at this time. I do not see him upon the floor, and I do not know whether any other Senator would feel at liberty, in view of the notice he gave, to interrupt his address.

Mr. STONE. Mr. President, is the hour for morning business—

The PRESIDENT pro tempore. The Senate has been in recess and has reconvened as a part of the legislative day of yesterday. There is no morning business to-day until the pending measure shall be disposed of.

Mr. STONE. I ask unanimous consent—

The PRESIDENT pro tempore. That can not be done. The Senate is now operating under a unanimous-consent agreement, and nothing can be done which will vary that in any particular.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Newlands	Smoot
Bacon	Gallinger	Oliver	Stone
Bankhead	Gamble	Overman	Sutherland
Bourne	Gardner	Page	Swanson
Brady	Gore	Percy	Thomas
Brandeggee	Gronna	Perkins	Tillman
Brown	Jones	Poindexter	Townsend
Bryan	Kavanaugh	Pomerene	Warren
Burton	Kenyon	Root	Webb
Catron	La Follette	Sheppard	Wetmore
Chamberlain	Lodge	Smith, Ariz.	
Clark, Wyo.	McLean	Smith, Ga.	
Crawford	Nelson	Smith, Md.	

Mr. WEBB. My colleague [Mr. LEA] is necessarily absent. I hope that this announcement may stand for the day.

Mr. STONE. I desire to state that my colleague [Mr. REED] is absent for two reasons—one because of the serious sickness of his wife, and the other because of very important business. I wish this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 49 Senators have responded to their names. A quorum of the Senate is present. The Senator from Colorado [Mr. THOMAS] is entitled to the floor.

Mr. THOMAS. Mr. President, up to the hour of adjournment yesterday I had discussed the pending measure from the general standpoint of the power of the Congress to enact it, and, at the same time, with reference to specific objections both fundamental in their character and practical in their operation. What I shall further say refers, as far as I am able to do so, to the application or the relation of the principle embodied in this measure to interests which are different from but which nevertheless are comprised within the general policy of conservation as that term is popularly understood and which is considered to be as broad and comprehensive as the material resources of the Nation. A process here involved and of interest to Connecticut finds its support largely in physical conditions wholly different from those characteristic of other parts of the country; yet they are defended by arguments and assertions identical with those which are employed to sustain a policy applied to the resources and the people of the West and without regard to our entirely dissimilar environment.

My active opposition to the measure is therefore prompted by my view of its effect upon the Western States and their interests. There is the danger to us in the use that will inevitably be made of this measure as a precedent for the exercise of similar authority under largely divergent conditions. In the far West conservation finds practical application on a very much larger scale than anywhere else, with the possible exception of Alaska. This is true by the very nature of things, because in the public-land States there is so much territory belonging to and under the control of the National Government.

Abundant provocation occurring in many parts of the country and covering a period of many years has been given and has justified the action of the Government in its commendable efforts to prevent monopoly of the public resources, and also to conserve those resources for the future. There can be no question, as I said yesterday, that in the practical operation of the national land laws and laws related to kindred subjects, abuses, various in their nature and enormous in their extent, have arisen, which abuses lie at the foundation of those enormous aggregations of property which have arrested public attention and which have aroused a very just and salutary public opinion, thereby spurring the Government to action designed for the protection of the people's heritage, preserving their resources, and administering the laws both in the letter and the spirit. I say the provocation has been abundant, and a wise

policy of law, properly and lawfully, and I may say, popularly enforced—for such a thing is easy—would meet with the hearty support of all the people of the West, who realize more fully and as vividly as those of any other section of the country, the necessity for change in many features of our public-land laws and the abandonment of previous methods of applying them or permitting them to be applied by great interests upon their own account and without regard to the general welfare.

I am, and at all times have been, an advocate of conservation, not only as an expedient, but as essential policy. I have lived in the State which I have the honor in part to represent here for a period of more than 41 years. I have witnessed its expansion from a frontier Territory of 39,000 white inhabitants to a Commonwealth of 800,000 people, during which time many of the evils which gave birth to the conservation system—if system it may be called—have been evolved from the operation of the public-land laws and from the practices of men. Contemporaneously with the development of that great State have been the institution and the operation of abuses the absence of which would have redounded to our prosperity and to the good name of the Government. What is true, Mr. President, of my own State is doubtless true of those States which also contain within their boundaries large areas of the public lands. Hence the somewhat recent assertion by the Government of a new line of domestic policy and administration met with my enthusiastic commendation, because I recognized its necessity and applauded the fact that it had become generally recognized everywhere. I want, therefore, to disabuse the public mind of that impression, which is largely prevalent in the East, that the people of the West are radically and fundamentally opposed to all governmental regulation of its own property and resources or that it presents a solid front against all forms of conservation, desiring, on the other hand, the free and continued play of the old régime, without change or control or without regard to consequences.

It may be true, Mr. President, that this impression has for its basis a reasonable foundation, in that extremists everywhere are always loudest in their advocacy of or opposition to any given question or any given measure. For the words and the opinions of the extremists are those which furnish the basis for headlines and for exciting and attractive newspaper publications. They carry further than the more sober and less extravagant sentiments of the masses of the people, whose view is confounded with that of the radical few.

We of the West believe that we are the real conservationists of the country; we think so because, living where the abuses which the conservation policy is designed to correct or to mitigate have arisen and expanded, we can best determine their character as well as the remedies which should be applied for their extinction. It was very easy and natural for the people of the Atlantic seaboard to pass judgment upon western policy and opinion as affecting Indian affairs in the old frontier days, when there was constant strife with them upon the border. We believed then, and we still believe, that the men accustomed by contact with the Indian, familiar with his character, his requirements, and conditions, alive to the dangers ever menacing the pioneers, their wives and children, exposed to sudden and unprovoked attack, were the best judges of the traits, habits, conditions, and needs of the aborigines. But those in authority generally thought otherwise, with results not always anticipated or desirable. It is that experience derived from contact and association, from observation in the immediate atmosphere of any given condition which, after all, furnishes the best basis of education, and furnishes an equipment capable of determining the best and wisest methods of procedure designed to promote a good cause or to destroy a bad one. Living in the midst of the national domain stretching in every direction from the range of the Rocky Mountains, knowing the necessities of the people there residing, and conscious of the abuses which have crept into the general administration of the land laws, we believe that we can as well—and perhaps better—determine what is necessary or expedient to our upbuilding and conservation as can those more fortunate portions of the people occupying Commonwealths whose domains are held by private ownership.

I am conscious of the fact that it may be retorted that my point of view condemns my presumption in criticizing or attempting to criticize the justice or policy of the pending measure, which relates to a water course in the oldest portion of the Nation, and which is in no sense related to the conditions which exist in the far West.

I concede freely the justice of this view, but unfortunately, as stated before, this and kindred measures are constantly used as active instances of the governmental authority over the general question of conservation, concluding our challenges both

of its legality or its wisdom, and as justifying similar or entirely different methods of procedure over all the public possessions from New England to the farther reaches of the continent. It is because of that fact that I have had the presumption to take any part whatever in this discussion. There can be no question but that the Senators from the four States directly interested in this proposed improvement are more conversant with conditions there existing than I possibly can be. There can be no question but that they can far better interpret the wants, the wishes, and the interests of their respective constituents than can I; but when a measure they advocate can be invoked to justify the enactment of one which applies to the people of my section which they and I oppose, it becomes essential to resist, because the ultimate evil is far more serious than the immediate good designed to be secured. Hence we must regard the pending bill as an integral part of a great governmental policy, comprehending and comprising universally every phase of what is called governmental conservation. If it rests upon the assumption of an authority, the exercise of which may involve serious consequences to any section of the Union, I would be remiss in the performance of a public duty if I remained passive because ignorant of the wishes or the welfare of the people of New England. The avowed purpose of all these measures of legislation, of all these enterprises, and of all these concessions is conservation of national resources for the prevention of monopoly, a term as broad as the territorial limits of the Republic and extending beyond the seas into and including our insular possessions thousands of miles away.

We of Colorado have no navigable streams either in a general or in a limited sense. The great rivers which find their way ultimately into the Mississippi Valley on the east and into the Gulf of California upon the west and southwest have their birth in the summits of the Rocky Mountains. The State of Colorado rests upon the crest of the continent. The melting snows of its mountains flow impartially toward the Pacific and the Atlantic seaboard. The streams are small in dimensions and turbulent in character. Therefore to call them, by the widest stretch of the imagination, "navigable streams" is to indulge in a poetic license that the gravity of this question would, if no other objection existed, prevent.

Notwithstanding the absence of any navigable streams within our borders, the national policy regards the waters of the State in some respects as it regards those of navigable streams; not, perhaps, in its requirements when used for the generation of electricity so much as in the direction of its use for reclamation purposes; which, of course, is one phase of the use of water for irrigation. As to hydro-electric purposes, the Government pursues in the West a method of procedure entirely opposite to that policy which prevails in the Eastern States. In the East it assumes to grant licenses for the use of the water, to which it asserts title of some sort; in the West it assumes to withdraw power sites from entry. In the one case it proposes to exact a revenue by the imposition of certain conditions upon the use of the energy in the stream under a claim of ownership, while in the other it proposes to derive a revenue by a grant of the right to use the land which it owns, the water being merely incident thereto, and justifies its conduct or policy in both instances by the same line of reasoning. So far as reclamation projects are concerned, it assumes to appropriate the water outright as a private user does, and then forbids any interference with its action on the part of later proprietors or previous ones who have not actually diverted the waters to a beneficial use.

Perhaps the most prominent and possibly the only contradiction involved in this situation is that the authority given to Congress to regulate commerce, sovereign in its character, is so applied through the interests and demands of conservation in the East that the Government must exercise power over navigation as though it was a proprietary right. Federal ownership of the national domain, on the other hand, is essentially proprietary in character, but the demands of conservation require the Government, in carrying out its policy, to regard and administer the trust as a sovereign attribute. For example, in the acquisition of water by the Government for purposes of reclamation—one of the most commendable and, in my opinion, the most commendable of all forms of conservation—the Government exercises a power which is analogous to, if indeed it is not, eminent domain, but without compensation; while in the East it never assumes authority to carry out and to enact a measure of this sort, except such as is derived from the commerce clause of the Constitution.

Something was said during the course of the discussion by the Senator from Ohio [Mr. BURTON]—I do not pretend to give his exact language upon the subject—which conveyed to my mind the idea that in his opinion the Government could not

under the commerce clause of the Constitution extend its control of the waters of streams not navigable in character. I referred yesterday to a question of the Senator from Iowa [Mr. CUMMINS] to the Senator from Ohio as to the power of Congress to invest a corporation undertaking to improve a navigable stream under Federal law with power to condemn property within the limits of the State where the grant of Congress was to be carried into operation or exercised, and I think it was in that connection that the reference of the Senator from Ohio to which I refer was made.

I think he also stated that, in his opinion, the Government could, for the purpose of making effective an authority of this kind, confer upon the agency or the contracting party the right to condemn such property as might be necessary to make it effective, of course, upon the theory that such power was necessary to effectuate the project of improving navigation. I deny broadly the power of Congress to invest a corporation, whether a creature of the State in which its operations are to be conducted or a creature of some other State doing business in the State where the business is to be conducted through the comity and courtesy of the laws of the latter State, with the right to exercise any power of eminent domain whatever. Such corporation must derive such authority from the State in which it is to be exercised, unless the process of condemnation is invoked solely to acquire property absolutely essential to the public improvement as distinguished from the private enterprise. That is to say, the power of Congress to confer such an authority must be limited to the power which Congress itself could exercise if it, instead of the agency selected, was making the improvement on its own account and at its own expense; yet it has been contended that such a power may be given to companies operating in States where similar Federal concessions have been made to the use of the waters in nonnavigable rivers, and in the State of Iowa particularly.

Now, Mr. President, what is the situation in the West as regards the operation of the laws and policy of the Government of the United States upon certain of our natural resources? I have attempted—not very clearly perhaps—to illustrate the relation which governmental authority asserts between measures of the sort now pending and other measures which are also instituted and sought to be made effective through the so-called general policy of conservation. The waters of the natural streams of the arid States—it is so provided in the constitution of our State—belong to the people thereof, subject to appropriation for beneficial uses. They do not belong to the General Government, not even where the streams traverse the public domain, except in so far as they may not have been or may not be appropriated by the citizen. They belong to the people for appropriation for beneficial uses. That constitutional declaration, Mr. President, although it has received the sanction of the National Legislature and has been expressly recognized and approved by the Supreme Court of the United States, is not a grant from the Government to the people; it is merely declaratory of a condition preexisting. In the very nature of things the waters of the natural streams in an arid country must belong to the people, because otherwise it would not be habitable; otherwise there could be no population, no civilization, neither development nor conservation of natural resources.

In my school days, the geography which I studied pictured the continent west of the Missouri, almost to the Pacific Ocean, as "The Great American Desert." It was represented to the young mind of that generation as being as desolate and bleak as Sahara or the Desert of Gobi. It was uninhabited and uninhabitable, and must ever remain a space upon the map which thoroughfares might traverse, but in which human kind could not subsist. That was the natural result of the lack of complete knowledge and information as to the character of the soil and the climate of that region and the extent to which the land could be fertilized by irrigation.

But as population extended farther and farther to the west and pressed upon the resources of nature the desert disappeared and was made to blossom as the rose, through the application to its brown and bleak surfaces of the waters of the country. A common law sprang into existence, as it always does in Anglo-Saxon communities, in harmony with the necessities of man, of the peculiarities of soil, and of climate and other conditions; and under the imperious requirements of these conditions the doctrine of riparian rights—I will not say "disappeared," because it never existed; it never could have obtained recognition under those conditions. Therefore the declarations of our constitution and of other States relating to waters were merely declaratory or confirmatory of a preexisting right as absolute and unquestioned and as necessary to human habitation as the breath of the air to human life.

Prior to the existence of an organized community, away back in the days of the administration of James Buchanan, before the Territory of Colorado had been organized, when society existed, if at all, in a fragmentary condition, without written laws, without any cohesive attributes; when every man stood for himself, and against only the common enemy, the waters were diverted from our streams and carried away from the riparian owner or occupant and utilized upon lands owned or in the possession of the man diverting the water for his essential requirements. Out in California, where the discovery of gold caused an enormous migration in 1849, the precious metal in the sands and on the mountainsides required the use of water for its separation from the other substances that it might be given to commerce and industry, thereby enriching the people everywhere. To do this required the diversion of water from the channels of the streams; and that diversion necessarily grew into a property right accruing to him who made the diversion and applied the water to a beneficial use, the latter being as absolutely essential to ownership as the act of diversion, and the two together constituting the basis of the property right.

So in 1866, on the occasion of the enactment of the first mining law, Congress expressly recognized this right, and the Supreme Court of the United States declared the statute to be a mere declaration or confirmation by Congress of a legal status already existing, and needing no such declaration for its creation or enforcement. So out of these conditions grew the necessity of ownership in the water, without reference to its origin or its natural flow, by the people of that section of the country.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. STONE in the chair). Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. Certainly.

Mr. BORAH. I desire to ask the Senator's opinion, in connection with the subject he is discussing, as to this proposition: Has the Senator any doubt but that a private individual may appropriate the water of a stream running by Government lands?

Mr. THOMAS. Not a particle.

Mr. BORAH. And thereby appropriate it to the individual's use, to the exclusion of the Government as a proprietor and a riparian owner?

Mr. THOMAS. I have no doubt whatever of it, Mr. President; the only limitation being that fixed by the Supreme Court of the United States in the Rio Grande case, in One hundred and seventy-fourth United States.

Mr. BORAH. I had in mind the Rio Grande case, where Mr. Justice Brewer uses some language which to me is a little bit difficult to understand.

Mr. THOMAS. I am coming to that later on, because unfortunately the phraseology employed by that court has been utilized as the basis of an authority to control the use of our waters which can not be reconciled with the right of the citizen to divert them, there being no riparian right in the country where the diversion is made.

Mr. BRANDEGEE. Mr. President, while the Senator is on that point, will he allow me to ask him a question?

Mr. THOMAS. Certainly.

Mr. BRANDEGEE. I do not know whether or not I correctly understood the Senator, and I wish to make sure. If a natural person is the riparian proprietor upon one side of a stream and the Government is the riparian proprietor of the land upon the other side, did I correctly understand the Senator to say that the Government does not have all the rights of ownership that the natural person has?

Mr. THOMAS. Not exactly that. There is no such thing as a riparian proprietor in Colorado, or in Idaho, or in Wyoming, or in Arizona in the sense that the term is used and applied here. What I said was that the Government had no title to the water running through the public domain, provided it had been or provided it should be appropriated by some user and diverted from the Government land to his own land and applied to a beneficial use.

Mr. BRANDEGEE. Of course, Mr. President, we are all aware of the doctrine of prior appropriation that obtains in some of the Western States, particularly the arid States. But if what the Senator has just said is his answer to the question of the Senator from Idaho [Mr. BORAH], then I did not understand the question asked by the Senator from Idaho. I thought I restated to the Senator from Colorado substantially the question asked by the Senator from Idaho.

Mr. THOMAS. No; no.

Mr. BRANDEGEE. It is my mistake, then, Mr. President.

Mr. THOMAS. The situation is well expressed by the Supreme Court in the case of Boquillas Co. against Curtis, a case

arising in Arizona and reported in Two hundred and thirteenth United States, page 349. It sums up the law in that case with this sentence:

The right to use water is not confined to riparian proprietors. Such a limitation would substitute accident for a rule based on economic considerations.

The ownership of the waters of the arid States, being in the people of the State and being absolute and unquestioned except in so far as the Government may interfere for purposes of controlling or improving navigation, is not subject to control, directly or indirectly, by national authority, save as decided in the case of United States v. Rio Grande Co. (174 U. S., p. 80). There the Supreme Court held, in substance, that this ownership of water is subject to two conditions. In the first place, it can not be so used as to impair the navigability of streams. The second condition is stated in the part of the opinion to which the Senator from Idaho referred. I had not intended to give the exact language, but perhaps I had better do it, as I have it here, so that there can be no question about the correctness of my statement.

I read from a document entitled "Federal Control of Water Power," on page 80. It is a citation from the Rio Grande case:

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water, so far, at least, as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable watercourses of the country even against any State action.

The first exception or condition I will repeat:

That in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water, so far at least as may be necessary for the beneficial uses of the Government property.

If we may concede, for the sake of argument, that this could not be done "in the absence of specific authority from Congress," the reply is that the act of 1866 and the act of 1870, the recitals of the constitution of the State of Colorado, sanctioned by the approval of the President and of Congress, and the recognition of its validity by the Supreme Court of the United States, give abundantly the specific authority from Congress which here is declared to be essential to the exercise of the right to divert this water from Government lands.

But there is another limitation upon the condition as it is here formulated:

A State can not by its legislation destroy the right of the United States . . . to the continued flow of its water, so far at least as may be necessary for the beneficial uses of the Government property.

What is "a beneficial use of the Government property"? If the Senator from Idaho files upon a homestead which is intersected by a stream of running water and obtains a patent from the Government for his filing, he gets the land; but he gets the water only if he has appropriated it under the laws of the State. And if I, prior to the patent or after the patent, and before his appropriation, file upon the water so running through that quarter section and divert it to other territory for beneficial uses, the water becomes mine, and does not pass to the Senator from Idaho by virtue of his filing or by virtue of his patent.

Mr. WORKS. Mr. President, I should like to ask the Senator from Colorado whether he means to say that the holder of the property gets his title to the water by virtue of the patent?

Mr. THOMAS. No; that is quite the contrary of what I intended to say. What passes by the patent is the land. The water is acquired by appropriation, and whoever appropriates that water owns it if he applies it to a beneficial use. Hence, my impression is that what was meant by the learned justice who wrote this opinion, and who, perhaps, was better qualified to pass upon questions like this than any of his contemporaries, was that, as far as might be necessary for the beneficial uses of the Government in some scheme of reclamation, perhaps, or its devotion to the improvement, if you please, of the land bordering upon the stream through some method of its own and within its authority, that right could not be destroyed by State legislation in the absence of specific Federal authority.

Mr. SMITH of Arizona. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. THOMAS. Certainly.

Mr. SMITH of Arizona. Did the court probably mean that the governmental use might be in those cases in which the Gov-

ernment has the absolute title by dedication of land to a governmental purpose?

Mr. THOMAS. It might be.

Mr. SMITH of Arizona. May not that very language mean that if the Government had such title, as in the case of a fort, for instance, or an arsenal, you might not divert from that; but could the Government itself obtain title to that water, even for its own governmental purposes, without first taking it from the stream?

Mr. THOMAS. Except by appropriation. That has been determined in a case, the name of which I can not now recall. It is mentioned in the document which I hold in my hand. The facts in the case, as I recollect them, were that the Government made an appropriation of water in connection with one of its western military posts. Afterwards the remaining water comprising the volume of the stream was appropriated and utilized by a citizen for his own purposes. The Government afterwards sought to use all the water of the stream for its own purposes, its post having outgrown the volume of its appropriation. The courts declared that it could not do this unless it condemned the right which had been acquired through the operation of the State laws by the citizen who had made and used the appropriation.

I may say that if this first exception to the extent of the title of the people to the waters of the State should be carried beyond the suggestions which I have made, and the suggestion which was also made by the Senator from Arizona [Mr. SMITH], its operation would come in direct conflict with a number of later decisions of the same court upon the same subject, and I think would also directly contradict the general doctrine in the Kansas-Colorado case, to which I shall refer later on. Perhaps I had better do it now, because it is germane to this part of the discussion.

The decision in the case of Kansas against Colorado is one of the great opinions of the Supreme Court of the United States. To my mind it easily ranks with the most notable judicial pronouncements of that great tribunal, and as time passes, I believe that fact will be more and more recognized; perhaps I should say particularly with reference to its definition of the powers of the Government and the distinction it so clearly draws between those powers and the reserved powers of the States.

The Arkansas River has its headwaters in that part of the Rocky Mountains included within the boundaries of the State of Colorado. It runs in a southeasterly direction, crossing the western boundary line of Kansas, which is the eastern boundary line of Colorado, and continues in its course southeasterly, traversing the southerly part of the State of Kansas. That section of the Arkansas Valley within the boundaries of Colorado is one of the most productive and fruitful regions in the world. It has been populated and cultivated within the past 25 or 30 years, prior to which time it contained comparatively few settlers. It depends entirely for its prosperity and productiveness upon the application of the waters of the river to the soil, and as a consequence these waters have been appropriated several times over and made to do duty as far as is possible to the end that the area of cultivation may be as large as conditions permit.

The State of Kansas filed this bill in the Supreme Court of the United States, declaring that the appropriations in the State of Colorado and the consequent diversions of the waters of the Arkansas River resulted in great damage and injury to the people of the State of Kansas and also to the State of Kansas as a proprietor of lands bordering on the stream. It asserted the old riparian doctrine as one of the bases of its action. It also declared its right to have the waters of the stream delivered at the State line in the same volume that would flow eastward if the river and the surrounding country were still in a state of nature; in other words, that the people of the State of Colorado could not diminish the volume of that stream to the injury of the State of Kansas. This presented an issue the success of which as against the people of the State of Colorado would have resulted in the practical depopulation of four or five great agricultural counties and would have practically restored to the desert the area which had been wrested from it. As a consequence it was the most important controversy in which the State or any of its people had been involved.

The Government of the United States asked to intervene in that case upon the ground that it was the owner of a large area of land in the Arkansas Valley and its tributaries, and that it was engaged in the work of reclamation under acts of Congress, in consequence of which it asserted an interest in the waters of the stream and of the tributaries to it of such a nature and of such a character as not only to justify but to require its intervention for the protection and preservation of its own property and also as a common sovereign interested in

the outcome of a very serious question at issue between two of the States of the Union and which at the same time might affect its property interests.

Testimony was taken by the respective parties to the suit for a period of nearly two years. The case was heard in the Supreme Court under suspension of the rules, whereby the time of argument was largely extended. The decision was that the State of Kansas had not proved that it had suffered any injury; that the law of riparian ownership or proprietorship had no existence in Colorado; that the Government of the United States had no such property in the running streams of the State, as it asserted, and, as a consequence, was not a party in interest. It also declared that the reclamation act of Congress was invalid because ultra vires, except in so far as it was applicable to the Territories which were under the immediate dominion of Congress.

I might, if I had the time and the Senate had the patience, read at length from this opinion. But I will ask merely the privilege of inserting in the CONGRESSIONAL RECORD two or three pages of it.

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters. (*Martin v. Waddell*, 16 Pet., 367; *Pollard v. Hagan*, 3 How., 212; *Goodtitle v. Kibbe*, 9 How., 471; *Barney v. Keokuk*, 94 U. S., 324; *St. Louis v. Myers*, 113 U. S., 566; *Packer v. Bird*, 137 U. S., 661; *Hardin v. Jordan*, 140 U. S., 371; *Kaukauna Water Power Co. v. Green Bay & Mississippi Canal Co.*, 142 U. S., 254; *Shively v. Bowlby*, 152 U. S., 1; *Water Power Co. v. Water Commissioners*, 168 U. S., 349; *Kean v. Calumet Canal Co.*, 190 U. S., 452.) In *Barney v. Keokuk*, supra, Mr. Justice Bradley said (p. 338):

"And since this court, in the case of *The Genesee Chief*, 12 Id., 443, has declared that the Great Lakes and other navigable waters of the country, above as well as below the flow of the tide are, in the strictest sense, entitled to the denomination of navigable waters and amenable to the admiralty jurisdiction, there seems to be no sound reasons for adhering to the old rule as to the proprietorship of the beds and shores of such waters. It belongs to the States by their inherent sovereignty, and the United States has wisely abstained from extending (if it could extend) its survey and grants beyond the limits of high water."

In *Hardin v. Jordan*, supra, the same justice, after stating that the title to the shore and lands under water is in the State, added (pp. 381, 382):

"Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with the regulations which may be made by Congress with regard to public navigation and commerce. . . . Sometimes large areas so reclaimed are occupied by cities and are put to other public or private uses, State control and ownership therein being supreme, subject only to the paramount authority of Congress in making regulations of commerce and in subjecting the lands to the necessities and uses of commerce. . . . This right of the States to regulate and control the shores of its tidewaters and the land under them is the same as that which is exercised by the Crown of England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also in some of the States to navigable rivers, as the Mississippi, the Missouri, the Ohio, and in Pennsylvania to all the permanent rivers of the States; but it depends on the law of each State to what waters and to what extent this prerogative of the State over the lands under water shall be exercised."

It may determine for itself whether the common-law rule in respect to riparian rights or that doctrine which obtains in the arid regions of the West of the appropriation of waters for the purposes of irrigation shall control. Congress can not enforce either rule upon any State. It is undoubtedly true that the early settlers brought to this country the common law of England, and that that common law throws light on the meaning and scope of the Constitution of the United States, and is also in many States expressly recognized as of controlling force in the absence of express statute. As said by Mr. Justice Gray in *United States v. Wong Kim Ark* (169 U. S., 649, 654):

"In this, as in other respects, it must be interpreted in the light of the common law, the principles and history of which were familiarly known to the framers of the Constitution. (*Minor v. Happersett*, 21 Wall., 162; *Ex parte Wilson*, 114 U. S., 417, 422; *Boyd v. United States*, 116 U. S., 616, 624, 625; *Smith v. Alabama*, 124 U. S., 465.) The language of the Constitution, as has been well said, could not be understood without reference to the common law.

Mr. THOMAS. I may be pardoned for referring to the syllabus:

Kansas having brought in this court an original suit to restrain Colorado and certain corporations organized under its laws from diverting the water of the Arkansas River for the irrigation of lands in Colorado, thereby, as alleged, preventing the natural and customary flow of the river into Kansas and through its territory, the United States filed an intervening petition claiming a right to control the waters of the river to aid in the reclamation of arid lands. It was not claimed that the diversion of the waters tended to diminish the navigability of the river.

Held, that—

The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people; and that if in the changes of the years further powers ought to be possessed by Congress, they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those

waters is, subject to the exception named, vested in the State. Hence the intervening petition of the United States is dismissed without prejudice to any action which it may see fit to take in respect to the use of the water for maintaining or improving the navigability of the river.

I think I have read perhaps enough of the syllabus to illustrate the scope of the decision as it relates to the two fundamental questions or propositions of present interest, one being that there is no control or ownership, although the word "control" is used—perhaps because it could not be very well contended that there was ownership of a character to give the United States any standing in the courts of the country—and the other being that the right of reclamation could not rest upon any expressed power delegated to the General Government in so far as the exercise of such right be made or attempted to be made applicable to the States of the Union.

It is perhaps interesting to refer, as it is emphasized in the opinion, to the argument of counsel for the Government in this case, for it is so similar to the assertions which the extreme advocates of conservation make to justify their invasion of the powers of the States for the conservation or preservation of the natural resources. The court says:

Appreciating the force of this—

That is, of the subjects which were covered by the syllabus that I have read, and I read from page 89 of the opinion—

counsel for the Government relies upon "the doctrine of sovereign and inherent power"—

That is, that it could reclaim lands and assert its domination over waters belonging to other people by virtue of a sovereign and inherent power—

Appreciating the force of this, counsel for the Government relies upon "the doctrine of sovereign and inherent power," adding, "I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference." His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State; consequently all powers which are national in their scope must be found vested in the Congress of the United States. But the proposition that there are legislative powers affecting the Nation, as a whole, which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a government of enumerated powers. That this is such a government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment.

Then the court, in a series of statements which are absolutely incontrovertible, determines that the power asserted by the counsel for the Government of the United States does not and can not exist or be maintained upon any notion of sovereign and inherent authority, and then applies it to the facts in hand.

This very matter of the reclamation of arid lands illustrates this: At the time of the adoption of the Constitution within the known and conceded limits of the United States there were no large tracts of arid land, and nothing which called for any further action than that which might be taken by the legislature of the State in which any particular tract of such land was to be found, and the Constitution therefore makes no provision for a national control of the arid regions or their reclamation. But, as our national territory has been enlarged, we have within our borders extensive tracts of arid lands which ought to be reclaimed, and it may well be that no power is adequate for their reclamation other than that of the National Government. But if no such power has been granted, none can be exercised.

It does not follow from this that the National Government is entirely powerless in respect to this matter. These arid lands are largely within the Territories—

This decision was rendered before the admission of New Mexico and Arizona into the Union—

and over them, by virtue of the second paragraph of section 3 of Article IV, heretofore quoted, or by virtue of the power vested in the National Government to acquire territory by treaties. Congress has full power of legislation, subject to no restrictions other than those expressly named in the Constitution, and therefore it may legislate in respect to all arid lands within their limits. As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found, mainly if not only in the Western and newer States, yet the powers of the National Government within the limits of those States are the same—no greater and no less than those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation.

In connection with the application of the principle of this decision to what I am about to discuss it may be well to refer to the eighth section of the reclamation act. That section was prepared, if I am correctly informed, by my distinguished predecessor in this body, Senator Teller, and was designed by him to meet a possible condition which soon developed in the

application of the requirements and provisions of the statute to the objects which it was designed to accomplish. It reads:

That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State of Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of the water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

I can conceive of no language that could be more appropriately employed to safeguard any infraction of the laws of the State or any invasion, through the operation of the statute, of the property rights in water of the individual in the arid-land States of the West.

But let us come to the application of this law which finds justification by the same process of reasoning which is employed to justify the existence of governmental authority to enact a measure like the one under consideration.

I am told that some time ago a certain proposition relating to conservation was under discussion before the House Committee on Public Lands; that the proponents of conservation there present were confronted by this decision, and that their answer to it was that the Bureau of Forestry and the Reclamation Service had gotten far beyond this decision, as indeed they have.

Mr. SMITH of Arizona. The Senator did not doubt the correctness of the statement?

Mr. THOMAS. On the contrary, I perceived its correctness, and marveled that it should have been so candidly expressed.

I may say that the policy of control of water power in our section of the country is based upon the theory that the tributaries to the Rio Grande and the Arkansas and the Missouri Rivers in Colorado are under the jurisdiction of the General Government, under its power to control navigation, because the diversion of some of the little streamlets in the Rio Grande, for example, to these beneficial purposes might so affect the flow as to interfere with navigation somewhere between the mouth of the river and its actual head of navigation, a contingency quite as liable to occur in these days when river navigation has practically disappeared as is the possibility of supporting the exercise of such a power on such a line of reasoning.

Mr. President, I hesitate to adversely criticize the reclamation policy of the Government, because it is one of the most beneficent policies, properly administered, that the national authority has ever assumed to accomplish. It means the bringing under cultivation of large areas of land which unreclaimed are of no use whatever to human kind because of the lack of water to make them productive. They possess all the elements of fertility, moisture alone excepted, and vast sums of money must be expended, if water is secured, for the purpose of making them cultivable. The Government, and the Government alone, seems to be financially able to conduct and carry out these great enterprises.

There are several schemes now in an unfinished condition in my own State and in other parts of the West. I should feel very badly to see them abandoned or interfered with, especially where they have not thus far in any manner conflicted with the saving clauses of section 8 of the act.

But it is nevertheless apparent that in continuing the exercise of this power in the States by the General Government since the Kansas-Colorado decision it has been disregarded, and the Reclamation Bureau has proceeded, notwithstanding the decision, as it did before then, probably upon the theory that the end justifies the means. I am candid enough to confess that I would not, if I could, gratuitously interfere with them in so far as these improvements are necessary and beneficial, as practically all of them are. But the Government, in carrying out and administering the law, has gone to an extent which can find no justification in my mind, even under the most liberal construction of it that could have been made by the Supreme Court in this case in the other direction had it been sustained.

The most notable instance of this I may be pardoned for referring to. The Government is and for some years past has been engaged in constructing an enormous dam and reservoir in the southeastern portion of the State of New Mexico. It is building a structure, called the Engel Dam and Reservoir, across the Rio Grande, near the point where it becomes an international boundary between the United States and Mexico. Its purpose is to reclaim 240,000 acres of land within the boundaries, respectively, of the United States and Mexico; that is to say, there are 60,000 acres of land in Mexico, the remainder of the 240,000 acres being located in the States of Texas and New Mexico.

It is the purpose of the Government, said to be due to some treaty relation and relating to some claim of the Republic of Mexico to participation in the waters of the Rio Grande for irrigation purposes, to furnish and supply the people of that Republic with water sufficient to irrigate 60,000 acres of land.

It is, as I said, a project commendable in itself, a desirable improvement, vast in extent and in possibilities, and one which must result in great benefit to that section of the country. But it has appropriated, as an individual might attempt to appropriate, from the waters of the Rio Grande and its tributaries 2,500,000 acre-feet of water for the purpose of the enterprise.

Now, 3 acre-feet of water in that section of the country is ample for every agricultural purpose; that is to say, a body of water an acre in extent and 3 feet thick furnishes sufficient moisture, climatic conditions being duly considered, to guarantee fertility. If you multiply 240,000 by 3 the result is 720,000 acre-feet, which are ample for the purposes of that enterprise. Yet the Government has seized and holds more than three times the quantity of water needed for the enterprise and which it could not use if it would.

In making these appropriations, however, the Government of the United States has invaded the property rights of the State of Colorado and filed its appropriations upon the waters of the Rio Grande and all its tributaries within the boundaries of that State upon the theory, I presume, first, that it is necessary to the enterprise; and, second, that it has the power to obtain this water as the general sovereign from any and all States which encompass the Rio Grande and its tributaries without reference to the local welfare, and also without reference, perhaps, to appropriations made by private individuals and corporations upon the same streams and the same sources of water supply which have not actually been diverted for beneficial uses.

As a consequence, it has laid an embargo upon the use of all the waters of the Rio Grande in the State of Colorado except those which had previously been appropriated and used, to the end that a dam to be constructed, if you consider the windings and meanderings of the stream, some six or seven hundred miles away and wholly within the jurisdiction of another State may be supplied with water for irrigation purposes.

Section 8 of the reclamation act has been ignored. The property of the people of the State of Colorado, guaranteed to it by the Constitution, has been practically confiscated, and some 200,000 acres of our land which could easily be made cultivable and habitable if we could use this water ourselves must continue to remain a part of the San Luis desert.

My assertion is that this is an exercise of a power wrongfully, even if it existed, and what makes it the more unbearable is that it seems to be so unnecessary, because, Mr. President, if we were permitted to conserve these waters by building reservoirs of our own and utilizing the reservoir spaces with which nature has supplied us, we could first use and then pass this volume of water farther down the reaches of the stream without serious diminution, and the amount necessary for the Eagle Reservoir enterprise would still be quite as available as it is now, this water not being, under present conditions, susceptible of use in my State at all.

What power has the Government to do this? What clause of the Constitution of the United States directly or by necessary or other implication confers upon the Reclamation Bureau the authority to invade the sovereign State of Colorado and seize upon waters belonging to it for use in a project away down in another part of the Union and entirely within the boundaries of two other States and designed, in part, for the citizens of a foreign republic? What power has the Government under any provision of the Constitution to take the waters of the State of Colorado in order that a supply may be utilized for the reclamation of 60,000 acres of land in a foreign country? What treaty stipulation between the two countries can be found to justify this course? I concede that great benefit to the good people of New Mexico and of Texas must come from the project, but I deny the right of the Government by any system of procedure that is known or recognized to be right or lawful to carry out and to effectuate such a condition at the expense and to the injury of the people of another Commonwealth without compensation or any thought of it.

We have appealed in vain to the Interior Department for relief. Under the statutes of the United States when the waters of a stream are appropriated for reservoir and irrigation or power purposes requiring the use of the public lands, a filing must be made in the office of the Secretary of the Interior, and that filing must be approved. This requirement is mandatory upon that department, as we contend, if the law itself is com-

plied with and its purposes are to be subserved. Yet since these appropriations of the Government, since this improvement has begun, the embargo is so far extended that it is impossible to obtain the approval of any filing that may be made upon waters or on reservoir sites within the basin of the Rio Grande River inside the boundary lines of the State of Colorado, so that apart from previous appropriations there is some water everywhere, but not a drop for State development.

It was demonstrated in the Kansas-Colorado case that in the early days before the settlement of that section of country the Arkansas River disappeared in the sands some 150 miles east of the western boundary of Kansas and afterwards reappeared at the surface some distance below. It was known locally as a broken river. A remarkable phase of the testimony in that case demonstrated that as a result of irrigation, the taking of the waters out of the stream and utilizing them upon the sides of the valley, created a sort of subterranean reservoir of supply for the river, in consequence of which the waters of the stream were actually increased instead of diminished. The point where the waters of the stream sank out of sight into the sands had therefore traveled eastward, reversing the general practice of humankind to go West.

But with all these physical facts in our favor, with the law of the land for our protection, the people of the San Luis Valley, to use a western expression, are "up against it." They are practically without relief unless and until the attention of the country is concentrated upon these conditions and a halt be placed upon the march of what, in my judgment, in that particular case is the reverse of conservation.

Now, I contend that the logical result of these conditions is that if it should so happen that the appropriations of water made by the General Government for this purpose should, after the improvement is completed, for any reason be found insufficient, the reclamation bureau may confiscate the waters of the State theretofore appropriated by the citizen by a reappropriation thereof and add them to the appropriations already made under the guise of their necessity for the success of the Government enterprise. Why not? Such action differs in no material respect from the appropriations hitherto made, and both may be justified, if either can be, under a general power to do whatever the requirements of the Government project may demand, albeit the Supreme Court has otherwise declared.

Mr. FLETCHER. May I ask the Senator from Colorado a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. THOMAS. Certainly.

Mr. FLETCHER. I wish to inquire whether or not the river is navigable in Colorado where these waters are attempted to be appropriated by the Government?

Mr. THOMAS. I made the statement some time ago, when perhaps the Senator was out of the Chamber, that there was no such thing as a navigable stream anywhere within the limits of my State.

Mr. FLETCHER. Does the question of riparian ownership enter into consideration?

Mr. THOMAS. It never has prevailed in that section; it is excluded by the laws of man and of nature.

Mr. FLETCHER. The Government has not reserved the shores of the river?

Mr. THOMAS. On the contrary, the Government ownership in the water, if it ever had any, has passed to the people of the State by the practices and common law of the State and by the express provision of the Constitution.

Mr. WILLIAMS. I should like to ask the Senator from Colorado a question.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. Certainly.

Mr. WILLIAMS. The Senator mentioned where a bureau of the Federal Government has recalled a decision of the Supreme Court. Is there no way of getting before the court the question as to the right of the Federal Government to stop the further appropriation of water from the Rio Grande up in Colorado? If, for example, somebody went to work and erected a dam, the Government would have to stop it in some way, and that would precipitate a lawsuit of some manner, and if the Government did not contend that what it was proposing to do was because of the desire to improve or to preserve the navigability of the river, the question could be brought up fairly in some way, it seems to me.

Mr. THOMAS. I will say to the Senator from Mississippi that is a subject to which a number of leading lawyers in my State have been giving close and careful attention for some time.

If they have reached a conclusion I have not been informed of it. I know that the present session of the general assembly has appropriated or proposes to appropriate a fund, among other things, for the purpose of testing that question to the full. Of course, if we can not obtain relief from the courts we must obtain it through national action or go without it.

Mr. WILLIAMS. Of course you can not sue the Government of the United States.

Mr. THOMAS. Of course we can not sue the Government.

Mr. WILLIAMS. But you can make the Government of the United States sue you, or take some process against you, by just violating these orders of the bureau.

Mr. THOMAS. The Government, of course, is not the subject of a direct action. The difficulty, I think, that has presented itself to the minds of the gentlemen who are investigating the question lies in the probability that the act of the Secretary of the Interior or his subordinates in refusing to accept filings for these appropriations and reservoir sites is so far discretionary as to be beyond judicial control, and that is one of the essential conditions for immediate action. They are also considering the serious question, however—and there are some authorities, and respectable ones, in support of it—as to whether the State of Colorado or its citizens may not condemn, notwithstanding the fact that they are located upon the public domain, reservoir sites and rights of way for ditches.

Mr. WILLIAMS. But back of that is the point that if these streams are nonnavigable the United States Government as a Government has nothing to do with them, and therefore a law which would require a permit to be gotten in order to put a dam upon a nonnavigable stream, it seems to me, would be itself invalid.

Mr. THOMAS. The Senator's premises are correct, but his conclusion is not in practice. The Government does assert its right to have something to do with them in many ways. For example, a statement of Mr. Justice Brewer, to which I called attention a few moments ago, has been used as the basis of treating all those streams, because they are tributaries to navigable streams, as largely within the control and under the domination of Federal power.

Mr. WILLIAMS. I understand if the Government were to come in and say we have issued these orders or we have refused these permits, which would render the Rio Grande lower down nonnavigable or might decrease its navigability, that would be all right; but if you could meet that by showing that it would not and that that was not the real object or the effect, which is the main thing, it seems to me that the decision, so far as the Senator has read it, would not apply.

Mr. THOMAS. I think so; and yet, in my judgment, the Government is quite as logical in saying that it can control these streams through the exercise of its power over navigation as in saying to the Connecticut River Co., "We will give you a franchise on the Connecticut River and the control over property in its waters that do not belong to us." The one is the outcome of the other, or rather it finds some support in the other, which, as I have previously stated, requires me to resist the passage of that measure to the extent of my ability.

There is another manner in which the Federal authorities invade this property right of the States in their waters and the right of their citizens to appropriate the same for beneficial uses, and that is by the withdrawal of power sites from entry and patent. The Government has made what I may term, perhaps with perfect justification, a wholesale withdrawal of everything that even looks like a power site bordering upon or near streams running through the public domain. Its purpose is—and from one standpoint it may be commendable; I have no doubt it is sincere and supposed to be necessary—to require those desiring to generate power to lease these sites for a term of years upon terms to be fixed by some governmental authority, and thereby derive a governmental revenue to be utilized as in its wisdom may be determined. This policy is inspired, as I understand it, not from the desire of gain, but to restrain the forces of monopolistic control, a purpose which has my entire approval.

The use of water varies. It is manifold. In our section of the Union it is absolutely essential for domestic and for irrigation purposes. These two uses are therefore placed ahead of and made superior to all others. Water may also be appropriated for mining and for manufacturing purposes, which include appropriations for power. These are not mere abstractions; they are rights created by law, which belong to all those who desire to utilize them, the primal and absolute condition to their permanency being beneficial use. One can not appropriate water and then hold it, so that others desiring to apply it beneficially may be prevented from doing so. There is only one power in the world that I know of that can do that, or

which actually does do it, and that is the Government of the United States; in other words, the man who makes an appropriation of water must follow it by diversion and by application. If the Government holds a power site from entry and fixes terms for its lease, which terms must be complied with before the power that is latent in the body of the stream can be utilized and made effective, and the terms are not such as to address themselves to the business judgment or consent of the other contracting party, I contend that it is as much a deprivation of a property right existent and potential in the people as would be the actual seizure of visible property. It is conversion to a so-called public use followed by withdrawal without making due compensation. If we are entitled, under our Constitution, to make these appropriations, if the water belongs to the people of the State, and that fact is recognized, then the right to use it, when dependent upon the use of the land adjoining, is utterly destroyed just as soon as the right to use the land is withheld.

It may be said that the terms of the Government are easy to comply with, and I may concede it, but the Government reserves the right to change the condition imposed for its use whenever it sees fit; in other words, it exercises, or proposes to exercise, a power contingently, remittently at any time subject to the discretion, if you please, the prejudice, if you please, or both it may be, of some individual clothed with authority either by act of Congress or by an assertion of the right through so-called departmental regulations. The result is that the power sites of the West are practically nonusable. As a consequence the property which is potential in the stream and which may be made the subject of appropriation, as was stated by the Senator from Ohio the other day, is running to waste.

For my part, as I have said, I have no objection to the withdrawal in some respects, because my own opinion is that it is the State which should utilize and own these power sites, appropriate the power in the water, and furnish electric current as a public utility to the needs of the Commonwealth and of its people, but that can not be done by it or by anyone except under these terms and regulations, which may be as variable in time as the changes that occur in a revolving kaleidoscope. As a consequence it does not and can not attract; it necessarily must repel all business caution and, foresight. Instead of conserving, Mr. President, it destroys or atrophies the resources of the Commonwealth.

Conservation certainly should not, as applied, result in confiscation. But some of the phases of its operation, as applied to the activities of the West, tends to that result, albeit its energizing principle is the same as that urged in the discussion of the Senator from Ohio—the prevention of monopoly.

I assert deliberately, Mr. President, that the methods to which I have called attention, instead of preventing, tend to promote and perpetuate monopolistic conditions in the West. Many of those who favor the continued policy of the Government in that section are precisely those who to some extent have acquired, or hope to acquire, a greater or less monopolistic control of the necessities of the day. The concern which has an enormous power plant is precisely the concern which wants to see all the power sites the use of which might create competition withdrawn from public use; the man who holds enormous stretches of splendid timber land is the loudest of all advocates of conservation as it is actually applied, not because he may believe in conservation, but because it confirms him in an advantage which he has, owing to the existing conditions when the law went into effect. I have heard of some of the largest live-stock dealers in the country who believe in the leasing system, if you please, because they are in such a position financially as to give them practically a monopoly of the leasing privilege when it shall have been extended. I know of no section of the West where monopoly has been prevented or diminished as a result of the operation in practice of the system of conservation. Believing in it as firmly as I do, Mr. President, I want to see it made operative in a proper, practical, effective, and satisfactory manner.

I spoke of the extension of timber reserves yesterday as sometimes made with the design of including an area of country where a tree never grew, and never will grow, and never can grow, and all those extensions in the interest of those owning barren stretches, whereby they were enabled to exchange them for some of the best timber land of the country. I do not charge the Forestry Bureau or anybody connected with it with being responsible for those conditions or with approving them; on the contrary, I believe that they are as sincere and as well deserving, from their standpoint, a class of men and women as exist anywhere in the country. And it is only fair to say that these extensions, for the most part, preceded the organization of the bureau. The difficulty lies in the fact that enthusiasm is con-

founded with practical conditions. The consequent result is a generally widespread and constantly increasing resentment against and the unpopularity of the system itself.

The Use-book, so called, of the Forestry Bureau is a book nearly as thick as the book which I hold in my hand [exhibiting]. I think it contains rules for the regulation and operation of the department covering almost every subject under the sun. Those who come in contact with these rules are those who entertain the most irritation and resentment against the policy.

I think it is a fact in human experience which can not be denied, Mr. President, that where a given policy comes in direct contact with a part of the people who unite in repudiating that policy, resent its existence, and deny its beneficial features, there is something radically wrong either with the policy itself or with the method of its operation, or with both. I hope in this instance it is the method of operation which makes it unpopular; but certain it is that the opinions of those who experience, through immediate contact, the consequences of the operation of any given policy, and the universal state of mind which is produced in consequence of it, ought to be a pretty good index of its success or the opposite. It is also the best test of the wisdom of its methods of procedure.

In the old days of carpetbagism and reconstruction the man who came in daily contact with its operation was the best judge of its character; I think that his opinion, as the result of his experiences, was worth more than that of all other men combined; and it was the collective resentment of the great people of that section of the country toward the reconstruction régime which finally aroused the national conscience, or at least so allayed its active sympathy with the system as to enable the South to rid itself of that horrible incubus. Far be it from me, Mr. President, to contrast conservation with those awful conditions, for they are as wide asunder as the poles. I merely use the illustration as applicable to the general proposition, that it is the experience of those coming into contact with and directly affected by any given policy that should ultimately determine its nature and its character, and which, if favorable, calls for its continuance, and if otherwise for its correction, either in substance or in practice. There must be, therefore, some radical defect either in the policy—and I do not think it is so much in that—or in its application—and I think there is the difficulty—which has caused the conviction everywhere throughout the public-land States that this is a policy directed against them; an unjust policy, which retards their development and interferes with their prosperity and growth.

I sometimes wonder how the people of Pennsylvania or of New York or of Illinois would feel if one-third of the area contained within their boundaries was segregated from occupancy, was practically controlled by a central authority substantially outside of their territory, and in the operation of which policy those intrusted with its administration came in daily contact with the people of the State, producing friction, irritation, resentment, hostility, and suspicion.

I think the people of these States by imagining such a condition can well understand, if they do not approve, that dislike, to use no harsher term, of a system which practically segregates one-third of the territory of the State from settlement and largely removes it from the operation of the local laws.

Local self-government doubtless had its origin, among other causes, in the necessity of determining from the experience of the people the benefit or injury flowing from the policies operating directly upon them, coming in daily contact with them, and touching them in their various walks of life. The Government of the United States in its so-called forest policy has segregated and withdrawn millions upon millions of acres of land, stretching from the borders of Mexico on the south to the Dominion of Canada on the north. A citizen of the United States can traverse his country through sovereign States of the Union an unbroken path, practically without any obstruction, upon reserved Government domain within the physical boundaries, but without the civil jurisdiction of the State, all of which has been done in the name and in the interest of conservation.

Of course, it is asserted that a man may go upon this territory and locate an agricultural claim, and that is true; or discover and locate a mine, and that is true; but the truth lies in the fact that such is the law, while the difficulty is that these express privileges of the statute are virtually neutralized by departmental regulation. It is not the judgment of the homesteader as to the value for agricultural purposes of his 160 acres he would file upon that governs; it is the judgment of somebody connected with the Bureau of Forestry, and whose word upon the subject is almost final.

It is not the prospector, Mr. President, who discovers a mine and locates it, who may determine whether it contains gold or silver sufficient to justify development, but an employee of the

Forestry Bureau who visits it, and, after passing judgment upon it, permits or prevents the location. One can well understand what his own feelings as an American citizen would be if, with these express provisions of the law in his behalf, when he attempted to assert them, some employee of the Government should say, "By my leave, sir, alone can you make your location or perfect your entry. I will determine, and not yourself, whether the conditions exist which, under the law, give you the right to make this location."

It is the existence of these conditions which have largely modified my original views, Mr. President, upon the subject of conservation, and which I think require a halt in the direction of ultraconservation, to the end that the people of the West may continue to develop their resources and add wealth and population to the common country, and extend the area of their taxable wealth over all the territory comprised within their respective boundaries.

I have here an example of how conservation under present conditions sometimes operates. I refer to a clipping from the Saturday Evening Post, a paper published, as we all know, in the far East. It is from the issue of the 25th of January, 1913, and is so apt an illustration of conservation in practice, as contradistinguished from conservation in theory, that I shall read it into the RECORD:

SELLING GOVERNMENT TIMBER.

The Government's windmill battle against monopoly is admirably illustrated by its timber policy. Its own reports show a monopolistic situation with regard to standing timber.

An important part of the total supply, aside from that owned by the Government, is in few hands. A rise of more than 60 per cent in the price of lumber since 1897 indicates that owners of the commodity have had a leverage on the market.

Now the Government itself owns one-fifth of all the standing timber in the country, many billion feet of which are ripe for the ax and even deteriorating from overripeness. In offering this ripe timber for sale the Government "makes a close estimate of the cost of manufacturing it into boards and of the market price of the product." It then fixes a minimum selling price, based on the two foregoing factors, which will "give a fair operating profit to the purchaser on his investment, but no more."

In other words, the Government acts upon the theory that it will charge for its timber to the consumer practically all that the traffic will bear.

The words quoted are from the report of the Secretary of Agriculture.

Obviously, under this policy the Government's timber can never be sold on the market any cheaper than the monopolized timber in private hands is sold, because the Government's price is based on the market price; and the market price, of course, is fixed—or largely controlled—by private owners of timber.

That is to say, the monopolists, which the conservation policy is designed to destroy, actually fix the price at which the Government commodity is offered to the consumers of the country. It would seem to me that in practice, therefore, the Government has become a part of, instead of an opponent of, the existing monopoly in the timber lands of the great West.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, that might help the Treasury a little, but what effect does it have on the consumers of that commodity? It takes from them an extra price and puts the money into the Treasury of the United States.

Mr. THOMAS. It does not help either, as I will proceed to show from this article:

If private owners boosted prices 50 per cent, the price of Government timber would automatically advance 50 per cent; and, though the public owns one-fifth—

The public, mind you, not the bureau—

of all the standing timber of the country, it can not get lumber any cheaper than private owners offer it.

Another effect of this policy is that the Government's ripe timber is not cut, but stands and decays.

That is why I say that neither party benefits by it.

The "fair profit on his investment, but no more," which the Government offers to the timber operator, does not attract him, as is shown by the fact that it is selling only one-tenth of the timber it should sell to keep the forests in a healthy condition.

Having adopted a policy that in fact amply protects monopoly at every point, the Government then goes through a great rigmorale of restrictions and conditions designed to prevent its timber from falling into the hands of monopolists.

The whole thing beautifully illustrates our antimonopoly policy, which consists in putting a lot of words on paper and ignoring essential facts.

I heard a statement the other day while riding from my hotel to the Capitol that falls in line with the general current of this discussion. The statement was made by one gentleman to another to the effect that the Government had hitherto followed a mistaken policy in opening the mineral domain to prospecting, discovery, location, and patent; that, if it had pursued a policy of conservation from the outset, the millions of gold, of silver, of lead, and other metals wrested from the mountains by private enterprise would have constituted a revenue almost suffi-

cient to have defrayed the expenses of the Government. Mr. President, success always attracts us; we forget misfortune as rapidly as we can, even when it is brought to our immediate notice. It is the successful mine which fixes public attention and gives to the unthinking the notion that all mining locations are valuable mining properties.

If the Government had pursued any other policy than the one which has been in existence since 1866, the result would have been few, if any, discoveries of the tremendous treasure houses of metal that have since been uncovered and utilized. That policy gave and should continue to give an incentive to the prospector, prompting him to make the search for these hidden deposits and to make locations and developments accordingly. As a consequence, it enabled the Government to sell millions upon millions of acres of domain worthless for any other purpose, and shown by development to be worthless even for that one, which it could not otherwise have disposed of; for I do not think I exaggerate, Mr. President, when I say that where one mining location becomes profitable four or five thousand remain utterly barren and worthless, bringing misfortune and disappointment instead of financial success to their owners and locators. Take, for instance, the Cripple Creek mining district. It embraces about 17,000 patented mining claims, upon which millions of dollars have been expended in the search, and the vain search, for gold. Out of 17,000 perhaps 250 have been profitable. In that small percentage were found all that constitutes that great mining district. When you consider the tremendous sums of money expended in the hope of finding gold and compare them with the yield of the few locations which have proved profitable, the balance is upon the debit side of the ledger, and the Government, not the citizen, is ahead in the process. The policy in this respect pursued in the past has been conservation, in my judgment, in the best and truest sense. It is a policy which has been practically destroyed by the regulations of the Forestry Bureau, for these have resulted, among other things, in the virtual disappearance of the prospector from the Rocky Mountain region.

This policy has practically extinguished one of the hardest, most resolute, and daring class of citizens who ever contributed to the development and to the settlement of a mighty Nation. I think the present depression in mining circles in the Rocky Mountains is largely, if not entirely, due to the practical interdiction that has been laid by a mistaken process of conservation upon the energy, the ability, the courage, and the daring of that splendid class of men who ask nothing of the country except the right to explore the public domain at their own expense and to take their chances on the result.

While upon this subject let me call attention to a kindred matter. I do it for the purpose of illustrating and enforcing the causes—and they are good ones—which lie at the basis of the opposition of the people whom I in part represent here to the general policy of the Government in this direction.

The cities of Manitou and Colorado Springs, together with the suburbs in their immediate vicinity, comprise something like fifty or sixty thousand people. They are great health resorts. In the summer season not less than 100,000 people are gathered in that section of the State. Their water supply comes from the melting snows of Pikes Peak and adjacent mountains. They are entirely dependent upon it for their supply and must guard it against all impurities affecting health, for the reputation of the two places as health resorts is one of their chief assets and one of the sources of their growth and prosperity.

Experience has proven the necessity, for sanitary reasons, to obtain jurisdiction in some method over a very considerable area of country embracing this source of water supply in order that sanitary conditions may be enforced and the purity of the water supply at all times maintained. That forms the Pikes Peak Forest Reserve, and is under the jurisdiction of that department of the Government.

I charge nothing against the sincerity and good faith of these gentlemen who are in charge and who are good citizens, who administer the law as they are required to, and who do their best to make that law effective. Yet a country which attracts consumptives necessarily must be very careful about sanitary conditions, particularly in view of the recent discoveries of medical science which have convinced us that the disease is contagious, to the end that no bad results may follow to the community. Yet a great many of these unfortunate people in the summer time go and plant their tents upon the mountain sides without hindrance from the authorities; and while these transient residences may be nothing but a menace, nevertheless they may become more than a menace to the well-being of the community unless controlled by regulations to be made and enforced by the local authorities for the common good.

A bill was presented in the House of Representatives some time ago, there passed, and afterwards reported here and passed, and is now in conference committee, giving the governments of the towns of Manitou and Colorado Springs joint jurisdiction with the Government authorities over a very considerable area of territory for the purpose, and only for the purpose, of conserving their water supply. They should have the title to this territory and exclusive control over it, but they are merely given concurrent jurisdiction for that purpose. The bill was threshed out in committees and every possible objection, substantial and otherwise, was presented to it. Finally it was enacted in such form as to meet, generally speaking, I will not say the wishes, but the consent, the passive consent, both of the governmental authorities and of the representatives of the cities mentioned. As I stated, it is now in conference as a result of the failure of the House to agree to one or two amendments that were here made to the bill.

Immediately after the conference committee was appointed this letter, written upon a letterhead of the American Forestry Association—a vice president of which is the honorable Secretary of the Interior and another the Hon. Gifford Pinchot—to the conference committee, as I suppose, was called to my attention:

AMERICAN FORESTRY ASSOCIATION,
Washington, D. C., February 5, 1913.

MY DEAR SIR: May I ask your consideration of the following facts regarding a bill which threatens the gradual disintegration of the national forests and the removal of jurisdiction over the national forests by the Federal Government?

The bill (H. R. 23293) "for the protection of the water supply of the city of Colorado Springs and the town of Manitou," as amended in the Senate, where it passed on February 3, 1913, will, if enacted, practically prevent the Secretary of Agriculture from administering that part of the Pike National Forest.

It embraces an area of many thousand acres of forest land and many improvements erected thereon by the Federal Government. In the last three years the experiment station alone has cost more than \$30,000.

As shown by the reports on this bill, the arrangement to have the Secretary of Agriculture administer the areas in cooperation with the municipalities was entirely satisfactory to them.

The amendments in section 3 should be defeated. Your consideration of the matter will be appreciated by the American Forestry Association.

Sincerely, yours,

P. S. RIDSDALE,
Executive Secretary.

No movement, however commendable, no measure, however necessary, even though it may affect the lives and health of 100,000 people, is permitted to stand for a moment against the determination of this bureau to absolutely control and administer in all their aspects the forest reserves of the great West. And here, upon the threshold of the enactment of a measure which has been pressed upon the attention of the National Congress for the past three years, comes this final protest, based upon the unsupported assertion that its enactment will threaten, if it passes, the gradual disintegration of the national forests.

I want to say, Mr. President, that even if it had that effect—which I absolutely deny—the bill should appeal to the conscience and the justice of every Member of Congress in both Houses, because it is designed to give to two great communities the means of preserving their own health and their own welfare by enabling them to preserve their water supply from contamination. It is just such interferences as these, just such protests as these, that cause many people of the West to hate and to loathe the very name of conservation.

The people who inhabit these two cities are among the best, most intelligent, highly educated, and wealthy of the State of Colorado. They have the best of reasons for insisting upon the enactment of this measure. One can readily understand, by bringing the lesson home to himself, what his own opinion would be of a system containing so much of good and so much of benefit, when its administration is accompanied by such petty interferences and tyrannies as result from or attend its practical operation in the various sections of the West.

Now, let me call attention to another illustration of the manner in which the conservation policy is administered.

Mr. SMITH of Arizona. If I may interrupt the Senator, by whom is the letter signed?

Mr. THOMAS. It is signed by P. S. Ridsdale, executive secretary.

I have spoken of the acts of 1866 and 1870, I think, recognizing and confirming rights of way for the diversion of water over the public domain. The Supreme Court has frequently had occasion to treat these rights and to confirm them expressly as vested rights, as property rights. The Roaring Fork Electric Water & Power Co.—I think that is the name of it—is a corporation organized many years ago for the purpose of supplying the city of Aspen, in Pitkin County, Colo., with water and with power, and supplying the mines in that section with power as

well. Its plant was completed in 1891, and consists of an appropriation of water and a flume or canal leading from the point of diversion to the reservoir of the company, about 2 miles of which now lie within the boundaries of the Mount Sopris Forest Reserve—a reserve created years after the right had been acquired. This company, like many others, raised the money necessary for the completion of the enterprise by an issue of bonds, secured upon the plant, including the reservoir and the right of way.

I think no one will deny that that company has an absolute, positive, vested, property interest in that right of way by availing itself of a privilege given by the laws of the United States, an easement the existence of which is so clearly recognized and safeguarded that every patent issued by the Government of the United States excepts it from the operation of the grant.

But 12 months ago the Forestry Bureau demanded of this company that it should take out a permit or lease from the Government for the use of its own vested right of way across an insignificant corner of the Mount Sopris Reserve, and in effect notified the company that failing to do so it might be ejected. Conferences developed the fact that the amount demanded was so nominal as to be almost ridiculous, always accompanied, however, by the condition that at any time the Government saw fit to do so—and by the Government I mean the bureau—these terms and conditions could be changed or the grant or privilege terminated absolutely.

Of course the company was advised that it could not afford to recognize this demand, because it necessarily involved an admission that the title to this vested interest, in so far as it was included within the boundaries of the forest reserve, belonged to the Government of the United States and not to the corporation. The company offered to submit the matter to the courts upon an agreed statement of facts, but the bureau has so far declined to accept the proposition. A few days before I left the city of Denver for the city of Washington I received in my mail a copy of a letter from the head of the department in Denver to the manager of the company notifying him, in effect, that unless this permit was taken out, and taken out at once, the Government would unloose its engines of legal war and invoke the court to enforce the demand of the Forest Bureau, which every man of ordinary intelligence knows to be as unjust as it is unlawful.

I might repeat instances ad nauseum of similar character. I appeal to Senators from other States whether, if these practices prevailed in their own Commonwealths, they would not, as we do, insist that some change should be made at least in the method of administration of this policy? I justify my opposition to this measure from the State of Connecticut, because it is a part and parcel of this same system of administration, claiming the right to exercise the same authority, and justified by the same appeal, to wit, that all of these things are necessary for the prevention of monopolistic conditions.

I shall not detain the Senate, Mr. President, by any further instances illustrating the unfortunate methods which are sometimes resorted to in the supposed administration of this great public trust.

Let me say, in conclusion, that if this policy had been adopted and adhered to from the beginning of the Government, there would have been neither population nor settlement to speak of west of the Allegheny Mountains. On the contrary, that region would have remained practically undeveloped and uninhabited, or developed and inhabited by an alien people. The tendency of the American people has been westward, obeying some great instinct or impulse of human nature driving them onward. The Government in other days, wisely recognizing that impulse, and encouraging instead of opposing it, opened wide the doors of opportunity, and said not only to Americans, but to all men, "Go out and occupy and possess the domain of the country and improve it, to the end that its latent wealth may be quickened into being and contribute to the greatness and the glory of the Republic."

Responding to that privilege and that impulse, the march of empire has always been westward, to the Mississippi River and across it, through the great States of Iowa and Missouri. It has traversed the plains of the Great American Desert, converting it into one of the most prosperous and happy sections of the country, covered with a teeming population of men and women and children, anchored to the soil, having a stake in the progress and welfare of the Nation—citizens constituting that great middle class which the President of the Republic of Mexico once told me was absolutely essential to the success of republican institutions everywhere, and without which popular government is impossible.

In the section known as the public-land area of the country there is a great population. It has overcome obstacles compared with which those of the Mississippi Valley were almost as nothing. It has traversed areas that were practically without water or the means of livelihood, and has settled up the valleys and slopes of that great mountain region. The products of those States are enormous, but their growth is arrested by a governmental policy which visits the sins of monopoly upon its own citizens and endeavors to correct the evils and abuses springing out of the laws of Congress and their methods of administration by denying opportunities to the hundreds of thousands of people who are anxious to improve and devote them to the common welfare. When a people like ours are face to face with these bureaucratic conditions you can well understand that their currents of resentment may sometimes overflow the confines of prudence and of moderation.

Let me say, Mr. President, that the greatest element of conservation in this country or anywhere else is the conservation of men and of women and of children. They constitute the great asset of the Nation. We must conserve them, to do which we must utilize the resources of the Nation now and wisely and honestly and for the common benefit.

No country in the world was ever possessed of the resources and the natural wealth that have blessed and have been so conspicuous in America. Yet all those resources were here before, just as they have been since, until the white man came. The Indian was your true conservationist. He was here long before we were here. No laws, conservative or otherwise, restrained him. He was a child of nature, and lived from hand to mouth, as barbarians always do. Natural resources made and could make no appeal to his untutored mind. It was but natural, therefore, that he should have retired before the advancing hosts of the white man, whose energy and capacity had been conserved through centuries of struggle and therefore of growth and development. When the white man came in contact with these forces of nature, the union of the two made possible the growth and the population and the development of this mighty Nation. And now, in this twentieth century of man's advancement, out in the solitudes of these great reserves we find the same conditions that confronted the Indian at the time this country was first populated, with the difference that the white man is there desiring to develop them, while the conserving hand of bureaucracy lays its interdict upon him.

Conservation that does not conserve both the man and the thing is not that conservation which, in my judgment, should be the policy of this great Nation.

If, therefore, we of the West permit, without protest, aggressions of this sort, beginning in the waters of the Connecticut River, we can not expect that the Government will halt in its continuation of that policy with us, notwithstanding the fact that the conditions of nature and of environment are so radically and essentially different.

Hence I oppose this measure, because of the so-called principle which is its underlying foundation and which seems to me in its consequences to be injurious to the people of the entire country.

Mr. BRANDEGEE. Mr. President, if I may have the attention of the Senator from Arizona [Mr. SMITH], I desire to ask him a question. I understood that the Senator from Arizona was going to submit some remarks upon the pending bill at some time, and I rose to ask him if it would be convenient for him to proceed this evening.

Mr. SMITH of Arizona. No; I can not proceed this evening, both on account of my throat and my head. I should prefer not to do so. I do not know that I will take the time of the Senate at all, but certainly I do not feel inclined to proceed this evening.

Mr. BRANDEGEE. Mr. President, I desire to submit a parliamentary inquiry before making a motion. We are proceeding upon the legislative day of Tuesday. I wish to inquire whether that fact involves any question about our right to take a recess until 12 o'clock to-morrow, which is the ordinary time for convening on a calendar day. I have been informed, I do not know whether correctly or not, that when the Senate is upon a legislative day it is the custom to recess to an hour just prior to the time of convening on a regular calendar day. If that has been the custom, it was broken yesterday when we took a recess until 12.40 p. m. to-day.

The PRESIDENT pro tempore. In the opinion of the Chair it is not necessary, although it is customary, simply to avoid all question. The Chair does not think it can be a matter of doubt as to the right of the Senate to take a recess to any hour it may see fit and prolong the legislative day.

Mr. BRANDEGEE. It would give rise to no complication if we took a recess until 12 o'clock to-morrow?

The PRESIDENT pro tempore. The Chair thinks not, though the Senator may name some other hour if he prefers it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914; and

H. R. 28690. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 8035. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

HEALTH STATISTICS (S. DOC. NO. 1072).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th ultimo, certain information relative to the expense to the Government for the year 1912 of its departments, branches, or bureaus of the Health and Medical Service, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. DU PONT. From the Committee on Military Affairs I report favorably with amendments the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, and I submit a report (No. 1207) thereon. I give notice that, if permitted to do so, I will call up the bill for consideration on Friday immediately after the routine morning business.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to amend section 6 of the act approved July 1, 1902, relative to household and other belongings not held for sale and owned by any person in the public service temporarily residing in the District of Columbia who is a citizen of any State or Territory, and who is taxed on such personal property in such State or Territory, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRISTOW submitted an amendment proposing to appropriate \$9,000 for the completion of an addition to the post-office and courthouse building at Salina, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment authorizing the Postmaster General to admit to the mails and forward to the delivery office return-reply envelopes and post cards without stamps affixed, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. CRANE submitted an amendment proposing to appropriate \$5,000 to enable the Secretary of the Treasury to procure and submit to Congress plans and estimates of cost of a pneumatic, electric, or other underground tube system of connection for the transmission of letters and messages, documents, etc., between the Capitol, office buildings of the Senate and House of Representatives, the executive departments, and other Government establishments in the city of Washington, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

HOUSE BILLS REFERRED.

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, was read twice by its title and referred to the Committee on Agriculture and Forestry.

H. R. 28690. An act making appropriation for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

Mr. BRANDEGEE. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock p. m., Wednesday, February 12) the Senate took a recess until Thursday, February 13, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 12, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the ages, our fathers' God and our God, who hath never forsaken Thy children, continue to bless, guide, and protect us. We thank Thee that the name of Abraham Lincoln, the world's great commoner, will not only be hallowed to-day by the people of his country, but by all the liberty-loving people round the world. We can not exalt him, but we may exalt ourselves by keeping his memory green and by striving earnestly to follow his illustrious example. We thank Thee for the special order of the day, which illustrates in a preeminent degree the integrity of the American people in selecting a President and Vice President. Let Thy blessing, we beseech Thee, follow the outgoing President, that he may continue to be a faithful servant wherever he is called to serve. And we most fervently pray that the incoming President may be attended by Thy grace, mercy, justice, and truth; that the laws of the land may be faithfully executed and the affairs of state wisely administered; that the ties of peace between us and other peoples may be strengthened and peace and prosperity reign throughout our borders, and everlasting praise be Thine. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 27876.

LINCOLN'S BIRTHDAY.

Mr. RUSSELL. Mr. Speaker, this is the birthday of Abraham Lincoln, and I ask unanimous consent to have read at the desk his memorable speech made 50 years ago at Gettysburg.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent to have read the Gettysburg speech of Abraham Lincoln. Is there objection?

Mr. HEFLIN. I reserve the right to object, for the purpose of making an inquiry. If the time is consumed between now and 1 o'clock in the reading of this address, it will not interfere with the order?

The SPEAKER. Not a particle. It will not take 10 minutes to read the address, anyway. Is there objection? [After a pause.] The Chair hears none. Without objection, the Chair will designate the gentleman from Missouri [Mr. RUSSELL] to read the address. [Applause.]

Mr. GRAHAM. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. GRAHAM] rise?

Mr. GRAHAM. As this is the anniversary of the birthday of Abraham Lincoln, and as I come from his old home and the district he once represented in this body, I ask unanimous consent that I may address the House on the subject of Abraham Lincoln after the reading of the Gettysburg speech.

The SPEAKER. For how long?

Mr. GRAHAM. Well, 30 minutes.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] asks unanimous consent that after the Gettysburg address is read he may have 30 minutes in which to address the House. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to give notice that when the proceedings by unanimous consent are finished I shall move to proceed with the regular order for to-day.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. GRAHAM], from the Springfield district,

where Abraham Lincoln is buried, to have 30 minutes in which to address the House after the gentleman from Missouri [Mr. RUSSELL] has read the Gettysburg oration? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice that I propose, when the unanimous-consent proceedings are over, to move to dispense with the regular order of the day.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] will proceed.

Mr. RUSSELL, from the Clerk's desk, read as follows:

LINCOLN'S GETTYSBURG ADDRESS.

ADDRESS DELIVERED AT THE DEDICATION OF THE CEMETERY AT GETTYSBURG, NOVEMBER 19, 1863.

"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great Civil War, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But in a larger sense we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth."

[Prolonged applause.]

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] is recognized for 30 minutes.

ABRAHAM LINCOLN.

Mr. GRAHAM. Mr. Speaker, in the growth and development of a nation it would be difficult to overestimate the value of great examples, of high ideals, and one of the compensating benefits we derived from the Civil War is the long list of heroic actions of magnanimous and noble deeds performed by men on either side.

Never before in the history of the world did the vanquished exhibit greater valor, and never did the victor in a great war treat the vanquished with such splendid generosity as in that titanic struggle. No Roman triumph marked the final victory. Napoleon's standards waved at one time or another from the citadels of almost every capital in continental Europe. The Germans took literal possession of conquered Paris, but Grant turned from Richmond at its very gate. No humiliating terms were imposed at the surrender of the great Confederate commander. He received the courteous and chivalric treatment which brave men always accord to brave men. Perhaps the greatest moment in the life of the silent commander was when asked at Appomattox what disposition was to be made of the horses of the Confederate cavalry, which were mostly owned by the men who rode them, and he replied in his quiet way, "Let them keep them; they'll need them for the spring plowing."

Deeds of personal heroism were so numerous that it would be invidious to mention any particular ones. There were, indeed, giants in those days. That awful struggle was in truth a struggle of Titans. But out of it all one great gaunt figure rises and stands above the others like a cedar of Lebanon, towering beyond his fellows in massive grandeur, unique, alone, for in the whole field of profane history there is neither prototype nor parallel for Abraham Lincoln.

I was not always an admirer of President Lincoln. When a boy the first book I read about the Civil War was Pollard's *Lost Cause*, which was published in Richmond before the heat of the conflict had time to cool.

But later in life a number of circumstances conspired to attract me to a study of the career of this wonderful man, this first American, as Lowell called him.

For many years I have lived within a stone's throw of his old home in Springfield. He once represented in Congress the district I now have the honor to represent, and the fourteenth of

April, the anniversary of his martyrdom, reminds me of the too frequent recurrence of my own birthday anniversary.

I have loved to talk of him with the few men still left in Springfield who knew him and admired him long before the general public appreciated him. I have marveled at a career which far outdistances romance. Many a time have I traveled with him in spirit over that long and weary journey from the Kentucky cabin to the White House. I have tried to understand him, to estimate his character, only with this result, that as my own vision broadened I saw in him new strength, new wisdom, new self-control, new elements of greatness, till he became to me, as Stanton said of him, "the most perfect ruler of men the world had ever seen," and I am forced to the conclusion that in the providence of God he was destined to be the savior of the Republic, the preserver of government of the people, by the people, for the people. [Applause.]

Having said this much, you are not surprised to hear me say that I regard Abraham Lincoln as one of the world's greatest men.

What is the real test of greatness? How is greatness to be weighed or measured? By what method is it to be determined?

If a man's greatness is to be measured by the service he rendered his fellow men, then indeed was Lincoln great.

If we accept the criterion that he that ruleth his own spirit is greater than he that taketh a city, still was Lincoln a great man.

If the ability to recognize and understand right principles and to stand for them and stand by them, in gloom and defeat as well as in sunshine and victory, is a sign of greatness, still was Lincoln great.

If absolute and abiding faith in the ultimate triumph of that which is right because it is right is a sign of greatness, he had it.

If the broadest charity, the greatest magnanimity, the most complete absence of the spirit of resentment is an evidence of greatness, then was Lincoln superlatively great.

If a deep, strong, boundless, active, and abiding sympathy for all those who labor and are heavy laden is an evidence of greatness, he had it in a degree approached by few other human beings.

Unbounded courage, unwavering determination, unlimited capacity to work and to suffer are essentials of greatness. Lincoln had them all in a remarkable degree.

Nor were these admirable qualities marred by any vice or weakness, barring a supposed weakness resulting from his excessive human sympathy.

He was absolutely unselfish; he had in him no element of cupidity; he was incapable of the feeling of mere revenge, and his greatest ambition was to be right and to be of service to his country and to humanity.

Who can be named who had all these qualities in such degree as this rail maker of the Sangamon? If we are to measure greatness by the power to accomplish, by the conquest of obstacles, by difficulties overcome, whom can you name fit to be compared with this untaught and unaided child of the forest and the prairie?

The so-called "ladder of fame" furnishes us with at least a figure of speech by which we are wont to measure and compare the achievements of the great. Let me use that rhetorical figure for the purpose of a brief comparison between Lincoln and some of the great ones of the earth whose names fill the pages of the histories and whose fame comes ringing down the ages.

I will not attempt more than mere suggestion, but I invite you at your leisure to go into the details and ascertain what each did for himself and what others did for him; where each began his individual career of accomplishment and where he ended it; in other words, how far he traveled, through his own efforts, on this strenuous and toilsome journey up fame's ladder.

Let me illustrate what I mean by citing just a few of the names of the world's great which at once occur to anyone—Alexander, Caesar, Charlemagne, Napoleon.

Alexander was the son of a great monarch and heir to a kingdom. He had all the advantages position could give. He had as his private tutor the philosopher Aristotle, one of the greatest intellects the world has known. At the age of 20 his father's death placed him on the throne of Macedon. Thus, without any special personal effort, he found himself, before he reached his majority, far up fame's ladder.

Cæsar was of patrician birth and had both wealth and family influence behind him. He enjoyed the benefit of the best schools, and official preferment awaited his desire. His family connection and social position enabled him to begin life well up fame's ladder.

Charlemagne was a worthy descendent of the famous Charles Martel, a King of France. He was, in truth, a great empire builder, but he, too, was born well up the ladder of fame.

And Napoleon, that wonderful man of destiny, was the son of a general, a graduate of one of the greatest military schools of the time. Others prepared him for the opportunity he seized so promptly and utilized so completely.

Nor is our own land without illustrations. Washington had all the advantages that wealth and station could give, and Jefferson added to these advantages a thorough college training.

So that all these, through inherited advantage, began their life work well up fame's ladder. But what of Lincoln? What advantage of birth or wealth or environment had he? Absolutely none. He was born on the frontier in a log cabin 14 feet square. His parents were poor, shiftless, and ambitious, and the father tried hard to repress his son's desire for knowledge. He lived till manhood amid the poorest and most depressing surroundings, away from schools and schoolmasters, enjoying only eight meager months of school opportunity in his entire life.

He did not start in the race halfway up fame's ladder, not even within sight of it. He had to clear away the brush and traverse the swamps and overcome innumerable difficulties to get within view of it; and these difficulties he overcame, not because of his surroundings, but in spite of them, till he finally planted his feet on the lowest round and, without influence or assistance, began the toilsome ascent.

And who will say that any of those favored sons of fortune climbed higher than he?

If my theory be sound, if we are to measure the greatness of the man by the distance covered from start to finish in life's journey, whom can you recall who began so low, and, of his own strength, rose as high as Abraham Lincoln?

The opinion is quite too prevalent that Lincoln's greatness developed after his election to the Presidency. That is a mistake. The truth is he was always great, but it was, of course, after his election that the people were convinced of his greatness.

While he was fond of office and was somewhat persistent in seeking it, he never sacrificed, or even modified, his opinions in order to gain it.

He was a real leader of public opinion; he never changed his views to be in accord with that opinion. When the public differed from him he set to work to win the public to his view.

As early as 1837 he filed a written protest against slavery in the Illinois Legislature, of which he was then a member, being joined by but one other member. Nothing could at that time be more unpopular, as he well knew.

Just prior to the debate with Douglas, when he prepared the Springfield speech in which he used the illustration that "a house divided against itself can not stand" he submitted it to a number of his personal and political friends and admirers. They were almost stunned at his rashness in using this biblical quotation. They felt that it would kill him politically, but in spite of protest, regardless of results, he used it, and time has surely vindicated his sagacity and his courage. The men who knew him in those days say that it was habitual with him to draw out the views of others on political subjects while he withheld his own. Even in those days he had supreme confidence in himself. But it was not mere pride of opinion that made him so self-confident, for he did not hesitate to adopt the views of others when it seemed wise to do so.

His supreme self-confidence and his intense patriotism are evidenced by his choice of a Cabinet. A smaller or less patriotic man would have hesitated to choose as his adviser one who almost held him in contempt or one who was generally supposed to so far outclass him as to cast him altogether in the shade.

I never heard of anyone who so grievously offended Lincoln as did Mr. Stanton, but that did not prevent him from making Stanton Secretary of War.

Few other men could have borne the conduct of Secretary Chase as Lincoln did under intolerable provocation, but he realized Chase's value to the country and made all else subservient to that; and later, in spite of his disloyalty to his chief, Lincoln appointed him to the highest place within his gift—Chief Justice of the Supreme Court. He placed at the head of his Cabinet his chief rival for the presidential nomination, Mr. Seward, and quietly tolerated Seward's assumption of superiority, confident that time would determine their relative positions, as indeed it soon did to the Secretary's complete discomfiture. Lincoln felt intuitively that he had nothing to fear from comparison with any man. He was, therefore, entirely devoid of envy or jealousy, first, because of this supreme and abiding confidence

in himself, and, second, because he was ready at any time to adopt the views of others if they seemed sounder than his own.

The breadth and depth of Lincoln's charity passes ordinary comprehension. The sight of misery in man or beast touched him profoundly.

I believe he spoke with absolute sincerity and out of the fullness of his great heart when in his second inaugural he urged Congress to proceed "with malice toward none, with charity for all."

His patience, his justice, his honesty, his sincerity conquered everyone who really knew him. Douglas, his rival in love, in the law, and in politics, pronounced him the honestest man he ever knew. Wendell Phillips, who bitterly assailed him because he was not an abolitionist, finally declared that he was "God given, God led, and God sustained." Seward, who at first thought lightly of him, lived to refer to him as "a man of destiny with character made and molded by divine power to save a nation," and Stanton, whose treatment of him when they first met was almost contemptuous, truly said, as the gentle spirit left the body, "Now he belongs to the ages." The rail splitter, the flatboat hand, had conquered them all, and the conquest was complete and enduring. [Applause.]

Our country has been abundantly blest in the fact that it owes everything to the common man, nothing to aristocracy or royalty. What an array of names—Columbus, Washington, Franklin, Jefferson, Jackson, Lincoln—all springing from the common people, but none of them quite so near the common clay as this child of the frontier, this—

Kindly-earnest, brave, foreseeing man,
Sagacious, patient, dreading praise, not blame,
New birth of our new soil, this first American.

Truly does the poet say he was new birth of our new soil. Generations separated him from the ways and the amenities of cultivated society. He was so close to nature that, as another poet well says of him:

The color of the ground was in him—the red earth;
The tang and odor of the primal things;
The rectitude and patience of the rocks;
The gladness of the wind that shakes the corn;
The courage of the bird that dares the sea;
The justice of the rain that loves all leaves;
The pity of the snow that hides all scars;
The loving kindness of the wayside well;
The tolerance and equity of light that gives as freely to
The shrinking weed as to the great oak flaring in the wind—
To the grave's low mound as to the Matterhorn
That shoulders out the sky.

And when the step of Earthquake shook the house,
Wrenching the rafters from their ancient hold,
He held the ridgepole up and spiked again
The rafters of the Home. He held his place—
Held the long purpose like a growing tree—
Held on through blame and faltered not at praise.
And when he fell in whirlwind, he went down
As when a kindly cedar green with boughs
Goes down with a great shout upon the hill,
And leaves a lonesome place against the sky.

Abraham Lincoln was the very incarnation of the spirit of democracy, of the rule of the common people. His thoughts were their thoughts, their joys were his joys, and their sorrows were his, too. His sad, deep-furrowed face was so marked with melancholy that he seemed to bear all the burdens of his people.

What a man, and what a career! Just look for a moment with the eyes of your imagination and behold this awkward, barefoot, backwoods boy at ten trying to do a man's part in the woods with his ax; living in a forest hut entirely open on one side; at night dragging his tired frame to his attic nest of leaves by climbing on pegs driven into the logs, to find himself ere morning sleeping under a coverlet of snow; walking miles to borrow a book and lying prone on the floor to read it by the light of the blazing pine knots; wading waist deep through the wintry waters of a creek to rescue a worthless dog; guiding a flatboat down the Mississippi; making rails to fence the little farm on the Sangamon for his father and stepmother before leaving them to make his own way in the world, before starting out at twenty-two on the quest for the road leading to that figurative ladder on which he was destined to climb so high. Again see him start from Springfield on a flatboat trip to New Orleans; see him find a way to extricate the stranded boat when older and more experienced men fail, just as later on, in affairs of greater moment, he always found a way; see him as grocer's clerk treating all with rigid, scrupulous honesty, walking three miles before breakfast to bring to a customer the modicum of tea which the accidental use of a wrong weight deprived her of the evening before; see him postmaster, with the mail in his hat, and see him laying away at the end of his term the very pennies which belonged to the Government, to be produced years afterwards when called on for a settlement. Step by step see

him progress on the toilsome way, now storekeeper, now surveyor, soldier, politician, and lawyer, but ever and always faithful student, good citizen, and honest man. [Applause.]

Then see him arrive in Springfield at the age of twenty-eight, bringing with him little credit, and less money, and riding a borrowed horse. See him gradually rise, gaining steadily in public estimation. See him in the State legislature and in Congress, and when the question of slavery extension becomes acute see him challenge for a joint discussion his opponent for senatorial honors, the ablest debater of his day, Stephen A. Douglas, the Little Giant of the Prairie State. The whole civilized world knows the result of that debate.

Like a skillful general Lincoln so directed the course of the contest that he lost a skirmish in order to win a battle. He was beaten for the Senatorship only to gain the Presidency.

On May 18, 1860, he was nominated by the national convention of his party at Chicago, and duly elected in November. On the 11th of the following February he departed from his Springfield home never to return alive.

I can see in imagination the parting scene. In a pouring rain he stood bareheaded on the coach platform at the old Wabash depot and bade good-by to his friends and neighbors. Listen to him:

My friends, no one not in my situation can appreciate my feeling of sadness at this parting. To this place and the kindness of these people I owe everything. Here I have lived a quarter of a century, and have passed from a young man to an old man. Here my children were born, and one is buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him I can not succeed. With that assistance I can not fail. Trusting in Him who can go with me and remain with you and be everywhere for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.

[Applause.]

How touching, how sincere, how full of faith in God. And the language itself—how rhythmic, how direct, how simple it is. Where did this man, who scarcely entered the schoolhouse and knew not the college or the university, get this magnificent, this perfect command of language? How and where and when did he master that elusive thing called style so thoroughly that some of his letters and speeches adorn the walls of great institutions of learning as specimens of perfect English? Let me read to you his letter to Mrs. Bixley, which both graces and adorns a wall of Oxford University as a specimen of perfect composition:

DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from a loss so overwhelming, but I can not refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save. I pray our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost and the solemn pride that must be yours to have laid so costly a sacrifice on the altar of freedom.

Yours, very sincerely and respectfully,

ABRAHAM LINCOLN.

[Applause.]

His Gettysburg address is conceded to be the best short speech in the language, but short as it is and excellent as it is, I shall not now ask you to listen to it. Indeed, were I to indulge in quoting specimens of his eloquence, I should find no reasonable stopping place. I can not, however, resist the impulse to quote the prophecy which concludes his first inaugural:

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

[Applause.]

And may I not also recite the hymn with which he closes his second inaugural?—

With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan—to do all things which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

[Applause.]

What rhythm, what majesty, what patriotism!

If we did not know that his spare moments from boyhood up were given to the study of the Bible and to the companionship of Æsop and Bunyan and Defoe and Burns and Shakespeare, we might well exclaim as did the doctors and the scribes of old concerning Him who spake as man never spake, "Whence hath this man letters, having never learned?" But we know that his mastery of his native tongue, the only one he knew, did not come unsought. It was acquired by persistent and resolute

effort, and was tinged and tempered by the tenderness of a nature filled with love for God and man and country. It reflected his patience, his fortitude, his fidelity, his absolute fairness and sense of justice, as well as his courage, sincerity, and resolution. In short, with him, as with every master of diction, the style bespoke the man.

Almost forty-seven years have come and gone since the fateful night when the hand of a poor deluded lunatic, without a moment's notice or a word of warning, struck him down. What a shock he gave the world and what a cruel wound he thus inflicted on the torn and bleeding Southland! By that blow he struck down the only man who had the strength and the will to stay the ruthless hands of those greedy and unscrupulous adventurers who, at the close of the war, promptly proceeded to plunder the stricken South. I give it as the opinion of his lifelong friends in Springfield that Lincoln never lost his love and sympathy for his native Southland, and that had he lived he would never have permitted the reign of robbery and ruin which that fair land experienced in reconstruction days. The hand, the only hand, which had the strength to save them was paralyzed in death by one who vainly imagined he was aiding their cause.

As for Lincoln, it was far beyond the poor power of the assassin to rob him of one tittle of his fame. Indeed, he added the one thing needed, if anything were needed, to enshrine his memory forever in the hearts of the American people, and that was the martyr's crown. And for this he chose, most opportunely, the moment when his victim had reached the summit, nay, the very zenith of his fame.

The war was practically over. The dove of peace hovered over the land. The Union was saved. Government of the people, by the people, and for the people had not perished from the earth. The ship of state was safe at anchor. The shackles were struck from the limbs of four million slaves. And the people gave Lincoln credit for it all. The world was filled with the sound of his praises. His feet were on the topmost round of fame's ladder. Millions of his countrymen would cheerfully have laid down their lives to save his life. There was little glory left for him to gain, and then, lest he trip and stumble, fate closed and sealed the splendid record.

With what dramatic force Walt Whitman tells the pathetic story:

O Captain! my Captain! our fearful trip is won.
The ship has weathered every rack, the prize we sought is won.
The port is near, the bells I hear, the people all exulting.

But Oh heart! heart! heart!

Oh the bleeding drops of red.

Where on the deck my Captain lies,
Fallen cold and dead.

O Captain! my Captain! rise up and hear the bells;
Rise up—for you the flag is flung—for you the bugle thrills,
For you bouquets and ribboned wreaths—for you the shores' acrowding,
For you they call, the swaying mass, their eager faces turning;
Here Captain! dear father!

This arm beneath your head!

It is some dream that on the deck
You've fallen cold and dead.

My captain does not answer, his lips are pale and still,
My father does not feel my arm, he has no pulse nor will,
The ship is anchored safe and sound, its voyage closed and done,
From fearful trip the victor ship comes in with object won!

Exult, Oh, shores, and ring, Oh, bells!
But I, with mournful tread,
Walk the deck my Captain lies
Fallen cold and dead.

In the very heyday of his fame he fell at the post of duty; and so we shall always think of him as he was at his best, not a single shadow, not a single blur, not a single flaw in the picture.

As the years file slowly past, as we get further and further away from his time and see him in clearer and truer perspective, his splendid moral and intellectual proportions, his patience, his fidelity, his sense of justice, his foresight, his charity, his patriotism—in a word his greatness—become more and more apparent.

In a spirit of patriotic devotion, imbued with a feeling of profound gratitude for the blessing of a reunited country under the old flag, let us reverently bless God that He vouchsafed us such a captain to direct the ship of state at such a time. [Prolonged applause.]

COUNTING THE ELECTORAL VOTE.

The SPEAKER. It is customary for the House to rise when the Senate comes into the Chamber. Gentlemen in the first four rows of seats at the right of the Speaker will please vacate their seats and accommodate themselves elsewhere.

At 1 o'clock the Doorkeeper announced the President pro tempore and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant at Arms and headed by their President pro tempore (Mr. Bacon) and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The President of the Senate pro tempore took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The PRESIDENT of the Senate pro tempore. Gentlemen of the Senate and House of Representatives, in obedience to the Constitution and laws of the United States, and in compliance with the concurrent resolution adopted pursuant thereto, the Senate and House of Representatives are now met in joint convention for opening the certificates and ascertaining and counting the electoral votes in the election for President and Vice President of the United States. The tellers previously selected on the part of the Senate and those selected on the part of the House will please take their places at the desk.

Senators DILLINGHAM, of Vermont, and MARTINE, of New Jersey, the tellers appointed on the part of the Senate, and Representatives RUCKER, of Missouri, and YOUNG, of Michigan, the tellers on the part of the House, took their places at the Clerk's desk.

The PRESIDENT of the Senate pro tempore. With proper respect for the high function which we now perform in the presence of the American people, and with due regard to the decorum which should mark so important and solemn an occasion, it is not deemed proper that there should be applause or manifestation of approval or disapproval during any stage of these proceedings. This has been the rule upon similar occasions in the past, and it is confidently expected that it will be scrupulously observed upon this occasion, both upon the floor and in the galleries.

The Chair will now open and place in the hands of the tellers the certificates in the alphabetical order of the States, showing the electoral vote of each State. Unless there be objection, the reading of the formal portions of these certificates will be dispensed with, and the tellers will read, count, and announce the vote as shown by the certificate from each State.

There was no objection.

The PRESIDENT of the Senate pro tempore. The tellers will now read, count, announce, and make a list of the electoral votes from the State of Alabama.

Mr. DILLINGHAM (one of the tellers). The certificate of the electoral vote of the State of Alabama seems to be regular in form and properly authenticated, and it appears therefrom that Woodrow Wilson has received 12 votes for President of the United States, and that Thomas R. Marshall has received 12 votes for Vice President of the United States.

The PRESIDENT of the Senate pro tempore. Is there objection to this certificate? None being offered, the tellers will proceed to read, count, and announce the vote of the State of Arizona.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the several States in their alphabetical order; and in each case objections, if any, were called for by the presiding officer.

The PRESIDENT of the Senate pro tempore. All of the certificates having been opened and read and the votes counted, the tellers will make a list of the same and report the result to the presiding officer.

Mr. DILLINGHAM (one of the tellers). The undersigned, WILLIAM P. DILLINGHAM and JAMES E. MARTINE, tellers on the part of the Senate, and WILLIAM W. RUCKER and H. OLIN YOUNG, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1913:

Number of electoral votes to which each State is entitled.	States.	For President.			For Vice President.		
		Woodrow Wilson, of New Jersey.	Theodore Roosevelt, of New York.	William Howard Taft, of Ohio.	Thomas R. Marshall, of Indiana.	Hiram W. Johnson, of California.	Nicholas Murray Butler, of New York.
12	Alabama.....	12			12		
3	Arizona.....	3			3		
9	Arkansas.....	9			9		
13	California.....	2	11		2	11	
6	Colorado.....	6			6		
7	Connecticut.....	7			7		
3	Delaware.....	3			3		
6	Florida.....	6			6		
14	Georgia.....	14			14		
4	Idaho.....	4			4		
29	Illinois.....	29			29		
15	Indiana.....	15			15		
13	Iowa.....	13			13		
10	Kansas.....	10			10		
13	Kentucky.....	13			13		
10	Louisiana.....	10			10		
6	Maine.....	6			6		
8	Maryland.....	8			8		

Number of electoral votes to which each State is entitled.	States.	For President.			For Vice President.		
		Woodrow Wilson, of New Jersey.	Theodore Roosevelt, of New York.	William Howard Taft, of Ohio.	Thomas R. Marshall, of Indiana.	Hiram W. Johnson, of California.	Nicholas Murray Butler, of New York.
18	Massachusetts.....	18			18		
15	Michigan.....		15			15	
12	Minnesota.....		12			12	
10	Mississippi.....	10			10		
18	Missouri.....	18			18		
4	Montana.....	4			4		
8	Nebraska.....	8			8		
3	Nevada.....	3			3		
4	New Hampshire.....	4			4		
14	New Jersey.....	14			14		
3	New Mexico.....	3			3		
45	New York.....	45			45		
12	North Carolina.....	12			12		
5	North Dakota.....	5			5		
24	Ohio.....	24			24		
10	Oklahoma.....	10			10		
5	Oregon.....	5			5		
38	Pennsylvania.....		38			38	
5	Rhode Island.....	5			5		
9	South Carolina.....	9			9		
5	South Dakota.....		5			5	
12	Tennessee.....	12			12		
20	Texas.....	20			20		
4	Utah.....			4			4
4	Vermont.....			4			4
12	Virginia.....	12			12		
7	Washington.....		7				7
8	West Virginia.....	8			8		
13	Wisconsin.....	13			13		
3	Wyoming.....	3			3		
531		435	88	8	435	88	8

WM. P. DILLINGHAM,
JAMES E. MARTINE,
Tellers on the part of the Senate.

W. W. RUCKER,
H. OLIN YOUNG,
Tellers on the part of the House of Representatives.

The PRESIDENT of the Senate pro tempore. By the report of the tellers and the list made by them of the electoral votes cast, as shown by the certificates from the several States, it appears that the state of the vote for President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 435 votes.

Theodore Roosevelt, of the State of New York, has received 88 votes.

William Howard Taft, of the State of Ohio, has received 8 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate pro tempore, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 435 votes.

Hiram W. Johnson, of the State of California, has received 88 votes.

Nicholas Murray Butler, of the State of New York, has received 8 votes.

This announcement of the state of the vote by the President of the Senate pro tempore shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1913, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Gentlemen of the Senate and House of Representatives, the purpose for which the convention assembled having been accomplished, the presiding officer dissolves this joint convention, and the Senate will retire to their Chamber.

The Senate retired from the Hall, and (at 2 o'clock and 13 minutes p. m.) the Speaker resumed the chair and called the House to order.

RECESS.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that Senate bill 4043, as passed by the House yesterday afternoon, be printed for the use of Members and placed in the document room.

Mr. MANN. Mr. Speaker, four years ago the House, by unanimous consent, took a recess for five minutes in order that the chairs temporarily placed in the Hall for the seating of Senators might be removed and the Members' seats replaced.

The SPEAKER. Does the gentleman ask that that be done now?

Mr. MANN. I suggest that to the majority side of the House. The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the House stand in recess for five minutes. Is there objection?

There was no objection.

Accordingly (at 2 o'clock and 14 minutes p. m.) the House took a recess until 2 o'clock and 19 minutes p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker.

Mr. WEBB. Mr. Speaker, I now renew my request for unanimous consent that the bill "An act (S. 4043) divesting intoxicating liquors of their interstate character in certain cases," passed yesterday, be printed as a House document.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill S. 4043 be printed as a House document. Is there objection?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he has consulted with the gentleman from South Carolina [Mr. FINLEY], chairman of the Committee on Printing?

Mr. WEBB. I have not. I could not find him.

Mr. HARDWICK. Then I shall be forced to object.

Mr. MANN. Let me make a suggestion to the gentleman from North Carolina. What he wants is more copies of his bill, I suppose.

Mr. WEBB. I want it printed as a House document. They can be procured in the document room of the Senate, but not in the House document room.

The SPEAKER. Does the gentleman from Georgia object?

Mr. HARDWICK. I do.

THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I offer the following order and ask unanimous consent for its present consideration.

The Clerk read as follows:

Ordered, That on next Friday, February 14, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider, only in the House as in the Committee of the Whole, bills on the Private Calendar which are not objected to, beginning with House resolution 643 (Private Calendar 225) and continuing until the end of the Private Calendar is reached, after which it shall be in order to consider the remainder of said calendar.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman where this leads us in regard to the 36 bills that were objected to?

Mr. POU. The order provides that the calendar shall be taken up where the House left off last Monday night, and that the remainder of the bills on the calendar shall be called. After the calendar is disposed of, if the House desires to consider other bills, if there is no objection, it can do so.

Mr. MOORE of Pennsylvania. I object.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Is this a continuing order, and will it take us over into Saturday in case the bills are not disposed of on Friday night?

The SPEAKER. The House would have a right to adjourn, but the gentleman from Pennsylvania objects.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims; and

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8089. An act permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak.; and

S. 8090. An act permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west, of the fifth principal meridian.

ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business of Calendar Wednesday to-day.

Mr. HEFLIN. Mr. Speaker, I make the point of order that the gentleman's motion comes too late. The Chair has announced that it was Calendar Wednesday and that the House would automatically resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. That is the time for the gentleman to make his motion. There are five minutes' debate on each side.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently no quorum is present.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House. The question was taken, and a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Fuller	Lafferty	Prouty
Ames	Gardner, N. J.	Lamb	Pujo
Andrus	George	Langham	Randell, Tex.
Ansberry	Gill	Langley	Redfield
Anthony	Gillett	Lindbergh	Reyburn
Bathrick	Goeke	Lindsay	Richardson
Bradley	Goldfogle	Littlepage	Roberts, Nev.
Brown	Good	Littleton	Rubey
Butler	Gould	Longworth	Sharp
Campbell	Griest	McCall	Simmons
Carter	Gudger	McLaughlin	Slemp
Clark, Fla.	Hamill	McMorran	Smith, J. M. C.
Clayton	Hamilton, W. Va.	Madden	Smith, Saml. W.
Conry	Hammond	Martin, Colo.	Smith, N. Y.
Covington	Harris	Matthews	Speer
Cravens	Harrison, Miss.	Mays	Stack
Danforth	Harrison, N. Y.	Merritt	Stanley
Davenport	Hartman	Moan, Pa.	Stephens, Nebr.
Davidson	Hawley	Morgan, La.	Sterling
Davis, W. Va.	Head	Morse, Wis.	Talbot, Md.
Dies	Higgins	Murdock	Taylor, Ohio
Dodds	Hobson	Neeley	Thomas
Donohoe	Howell	Norris	Tilson
Doremus	Hughes, Ga.	Nye	Townsend
Driscoll, D. A.	Hull	Parran	Vreeland
Dyer	Jackson	Patton, Pa.	Warburton
Fairchild	Jones	Peters	Wilson, Ill.
Ferris	Kinkead, N. J.	Pickett	Wilson, Pa.
Focht	Kopp	Pou	Wood, N. J.
Fordney	Korbly	Powers	Young, Mich.
Francis	Lafean	Pray	

The SPEAKER. On this call 256 Members have answered to their names—a quorum.

Mr. HEFLIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with proceedings in order to-day under the rule, so that we may facilitate the transaction of the public business.

The SPEAKER. The gentleman from New York moves to dispense with proceedings in order to-day under the Calendar Wednesday rule. The gentleman from New York has five minutes and the gentleman from Alabama [Mr. HEFLIN] has five minutes.

Mr. FITZGERALD. Mr. Speaker, last Wednesday I called the attention of the House to the condition of the public business, and it is quite apparent that it is necessary that we continue to consider the appropriation bills if they are to be enacted at this session of Congress. There are now on the calendar waiting to be taken up the diplomatic and consular appropriation bill and the pension appropriation bill, and there are still to be reported the naval appropriation bill, the sundry civil appropriation bill, and the general deficiency appropriation bill.

I wish to remind this side of the House that our opponents have at times charged that the Democratic Party has adopted certain changes in the rules of the House which make it impossible effectively to transact the public business. While I did not favor certain of the changes that were made, I believe it is possible for this side of the House promptly and efficiently to discharge the public duties devolving upon them under these present rules if they will undertake to do so. In order to do so, however, it is necessary to do what has always been contemplated, and that is, at a time like this, at this stage of the session, the important public business be given preference over all other business. If for any reason any of the general appropriation bills should fail at this session of Congress, our opponents will use it as an argument to criticize and denounce what they will term the inefficiency and incompetency of the Democratic Party. I have no desire to accomplish anything except to promote and facilitate the public business, and in view of the situation, of what happened last Wednesday, and from what I can gather is likely to happen to-day unless we proceed to consider the general appropriation bills, I am convinced that this day will be as fruitless in results, so far as the transaction of the public business is concerned, as was last Wednesday. I hope that this side of the House will determine to devote the balance of this day to the consideration of the diplomatic and consular appropriation bill.

Mr. HEFLIN. Mr. Speaker, I wish to say to the gentleman from New York [Mr. FITZGERALD] that in my judgment we could have completed the bill now on the calendar within the time consumed in the call of the House. On yesterday an appropriation bill passed through the House in one hour, and I congratulate the chairman of that committee and the committee itself on having that bill in such good shape when it came in to the House. The gentleman from New York [Mr. FITZGERALD] knows as well as I know that we are going to put these appropriation bills through before this Congress adjourns. Certainly we are. We are going to have night sessions, as we ought to have and will have. If gentlemen really want to oppose this measure, they will have the opportunity to do so, and I am perfectly willing to have them do so and the committee is willing to have them do so.

But this bill, I want to say to the gentleman, is a part of the public business. This Government, through its Congress, solemnly passed through this House and the Senate a resolution directing the President of the United States to invite the nations of the earth to an exposition to be given in honor of a great American project. That invitation has been extended, and 24 nations have accepted it and are waiting now to see what our Government will do about its own exhibit. My judgment is, Mr. Speaker, that if we do not provide for an exhibit the nations of the earth will not come with their exhibits. Would you blame them if they did not? This bill has already been discussed at length. We can go into the Committee of the Whole under the five-minute rule and finish the bill in a little while. It can be amended and perfected as gentlemen desire to see it amended and perfected. I want the House to take action and let the country and the world know what we are going to do. We ought to do that.

I want to say in conclusion, Mr. Speaker, we boast that this is the greatest country on the earth, and it is. [Applause.] We have invited the nations of the earth to come here and join us in celebrating the greatest engineering feat of all time, and I want the nations of the earth to come here and behold the blessings and benefits enjoyed by the greatest people in all the world. [Applause.]

Mr. Speaker, I trust that the motion of the gentleman from New York will not prevail. [Applause.]

I desire to print in the RECORD the committee report on this bill and a letter from the Louisiana delegation on this subject.

The report is as follows:

[House Report No. 1358, Sixty-second Congress, third session.]

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. CULLOP, from the Committee on Industrial Arts and Expositions, submitted the following report, to accompany H. R. 27876:

The Committee on Industrial Arts and Expositions, to whom was referred the bill (H. R. 27876) to provide for the participation of the United States in the Panama-Pacific International Exposition, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 4, in line 17, after the word "board," insert a colon and the words:

"Provided, That any one or all of the buildings hereby authorized to be erected shall be of a permanent and suitable character for the use of the Government on said military reservation."

Page 5, in line 5, after the word "States," insert a comma and the words "within 30 days after the passage of this act."

Page 5, in line 10, strike out the words "as soon as convenient" and insert in lieu thereof the words "within 30 days."

Page 6, in lines 1 and 2, strike out the words "or with foreign exhibitors regarding space, location, and the awarding of premiums;

and" and insert in lieu thereof the words "the commissioners of foreign Governments and said Panama-Pacific International Exposition Co. whenever a formal request for such action is made by any foreign commissioner; and said commission."

Page 7, in line 2, after the word "premiums," insert the words "salaries and expenses herein provided for."

Amend the title so as to read: "An act to provide for the participation of the United States in the Panama-Pacific International Exposition, and for other purposes."

The President, in his message communicated to Congress on December 19, 1912, made the following reference to the Panama-Pacific International Exposition:

"In conformity with a joint resolution of Congress, an Executive proclamation was issued last February, inviting the nations of the world to participate in the Panama-Pacific International Exposition to be held at San Francisco to celebrate the construction of the Panama Canal. A sympathetic response was immediately forthcoming, and several nations have already selected the sites for their buildings. In furtherance of my invitation, a special commission visited European countries during the past summer and received assurances of hearty cooperation in the task of bringing together a universal industrial, military, and naval display on an unprecedented scale. It is evident that the exposition will be an accurate mirror of the world's activities as they appear 400 years after the date of the discovery of the Pacific Ocean."

"It is the duty of the United States to make the nations welcome at San Francisco and to facilitate such acquaintance between them and ourselves as will promote the expansion of commerce and familiarize the world with the new trade route through the Panama Canal. The action of the State governments and individuals assures a comprehensive exhibit of the resources of this country and of the progress of the people. This participation by States and individuals should be supplemented by an adequate showing of the varied and unique activities of the National Government. The United States can not with good grace invite foreign Governments to erect buildings and make expensive exhibits while itself refusing to participate. Nor would it be wise to forego the opportunity to join with other nations in the inspiring interchange of ideas tending to promote intercourse, friendship, and commerce. It is the duty of the Government to foster and build up commerce through the canal, just as it was the duty of the Government to construct it."

"I earnestly recommend the appropriation at this session of such a sum as will enable the United States to construct a suitable building, install a governmental exhibit, and otherwise participate in the Panama-Pacific International Exposition in a manner commensurate with the dignity of a Nation whose guests are to be the peoples of the world. I recommend also such legislation as will facilitate the entry of material intended for exhibition and protect foreign exhibitors against infringement of patents and the unauthorized copying of patterns and designs. All aliens sent to San Francisco to construct and care for foreign buildings and exhibits should be admitted without restraint or embarrassment."

The exposition is to be a celebration of a national achievement of world-wide importance. The cost of the celebration, however, is not borne by the United States, but by the people of California. Of all the international expositions held in the United States the Panama-Pacific International Exposition is the only one that has not asked for aid from the Government, and the Panama-Pacific International Exposition Co. has pledged itself not to ask for such aid. The exposition is amply financed, over \$20,000,000 having been provided by California and its people.

In response to the President's invitation 25 nations have already officially notified the Department of State of their intention to participate in the Panama-Pacific International Exposition. These countries are: Argentina, Bolivia, Canada, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Great Britain (provisionally), Guatemala, Haiti, Honduras, Japan, Mexico, Netherlands, Nicaragua, Panama, Peru, Portugal, Salvador, Spain, Sweden, and Uruguay.

In September last, after the expiration of the period of mourning for the late Emperor of Japan, the commissioners from Japan appointed for that purpose selected the site of the Japanese buildings and gardens at San Francisco, within the grounds of the Presidio Military Reservation set apart for foreign exhibitions. The commissioners announced that the Japanese Government would expend more than \$1,000,000, and that at the close of the exposition the buildings and gardens would be presented to the Government and people of the United States as a testimonial of good will.

The Governments of China, Canada, the Netherlands, Portugal, Spain, Brazil, and Sweden have sent commissioners to San Francisco to select sites for their buildings. Some of these sites have been chosen, and the work of preparing for construction and installation is in active progress. The French commissioners have asked for a reservation of 8 acres, and will arrive soon to confirm the selection. The Department of State is in receipt of communications from our representatives abroad, indicating that many other countries are preparing to accept the invitation to participate and to erect buildings.

Meanwhile, great interest is manifested in the exposition by the States of this Union. Thirty-five States have officially decided to make exhibits of their resources and activities, and the legislatures of the remaining States are now considering the subject. Many of the States have already selected the sites of their buildings and commissioners are at work arranging for construction.

Individual applications for exhibit space have been received from all parts of the world. The amount of space already applied for exceeds the allotment. Therefore, the process of selection and elimination has already begun, with the object of making the exposition a compact and complete epitome of the world's activity rather than a mere huge aggregation of exhibits.

The size and character of foreign government participation, as well as the extent of participation by the American States, will be affected largely by the attitude of this Government toward the exposition. It can not be expected that foreign nations will enter enthusiastically into this universal undertaking if its sponsor—the United States—is half-hearted or niggardly. Congress appropriated \$1,579,000 for a Government exhibit at St. Louis, in addition to an outright gift of \$5,000,000 and a loan amounting to \$4,000,000, which loan was repaid. The pending bill provides for an appropriation of \$2,000,000 for a Government exhibit at San Francisco, with a provision that the building or buildings shall be of a permanent character, suitable for the use of the military authorities at the Presidio Military Reservation, and with the further provision that the United States shall not be bound to extend any pecuniary aid or assistance to the Panama-Pacific International Exposition. This appropriation is regarded by your committee as moderate and suitable, and in accordance with the dignity of the United States as a host of the nations of the world.

The bill provides that the Government exhibit shall be in charge of a board of Government employees, appointed by the heads of the executive departments, the independent commissions and bureaus, the Smithsonian Institution, etc. The exhibit as a whole will illustrate the functions and activities of the National Government, showing the nature and growth of our institutions and their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war. Comparatively few citizens of the United States have an opportunity to visit the National Capital, and still fewer are able to gain a comprehensive idea of the manifold operations of their Government. By means of the exhibit at the Panama-Pacific International Exposition the people of the country will be enabled to obtain accurate information regarding the methods of government, the expenditure of the public funds, and the development of national institutions. In no other way could this desirable object be accomplished to such good advantage.

The bill provides that a commission shall be appointed by the President to act as a board of arbitration in case of differences arising between the exposition authorities and foreign Governments of exhibitors, and to require suitable provision to be made for the entertainment of the representatives of foreign nations who may visit the exposition in response to the invitation heretofore extended by the President by authority of Congress. The salaries and expenses of this commission are to be paid by the exposition company, and no expense whatever in this connection is to be borne by the National Government.

Your committee beg leave to commend the public spirit and generosity of the people of California in assuming the entire burden of financing and managing this universal exposition, and to emphasize the fact that the participation by the Government to the extent provided for in this bill is barely more than a formal recognition of its duty in the premises.

HOUSE OF REPRESENTATIVES UNITED STATES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., February 10, 1913.

DEAR COLLEAGUE: The Louisiana delegation asks you to kindly read this short statement in regard to the Panama Exposition. New Orleans contested with San Francisco for the honor of being selected as the exposition city. San Francisco won.

New Orleans contended that an international exposition without foreign exhibits would not be a success and that foreign nations would not exhibit unless the United States had an exhibit of its own and a commission representing the authority of the Government. San Francisco believed that a successful exposition could be conducted without these provisions.

Recent developments have demonstrated that New Orleans was right and that San Francisco was wrong. Some of the leading foreign nations are hesitating about accepting our Government's invitation to participate until the United States provides for its own exhibit and appoints a Government commission with which foreign nations can deal.

Whether San Francisco erred when it stated that it would not ask for a national exhibit, or whether it used the argument for the purpose of obtaining a material advantage over its competitor, should not be considered at this time. It is essential that a national exhibit be authorized and adequate appropriation be made to secure the participation of foreign powers, without which the exposition must fail; and we urge that no right-thinking American will contribute to such humiliation.

The citizens of Louisiana and the entire country want the exposition to be a success. Our national prestige is at stake. We have invited foreign nations to be our guests, and we must not fail in our duty. New Orleans is anxious to help her late rival to make the exposition a success, and we urge upon Congress the absolute necessity for a Government exhibit and the creation of a Government commission.

The question is not local, but national. The mere fact that San Francisco made a mistake two years ago does not justify Congress in now making the mistake of refusing to do what is absolutely necessary to insure a successful exposition.

R. F. BROUSSARD,
JOS. E. RANSDALL,
A. P. PUJO,
J. T. WATKINS,
ALBERT ESTOPINAL,
H. GARLAND DUPRE,
LEWIS L. MORGAN.

The question was taken.

The SPEAKER. In the judgment of the Chair, two-thirds having failed to vote—

Mr. FITZGERALD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 84, noes 72.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Seventy-two gentlemen have risen—a sufficient number—and the yeas and nays are ordered.

The question was taken; and there were—yeas 134, nays 121, answered "present" 5, not voting 121, as follows:

YEAS—134.

Adamson	Candler	Fields	Hardy
Aiken, S. C.	Cannon	Finley	Hay
Ainey	Cline	Fitzgerald	Helm
Akin, N. Y.	Collier	Flood, Va.	Henry, Conn.
Alexander	Cox	Floyd, Ark.	Hensley
Allen	Curley	Fornes	Higgins
Ashbrook	Daugherty	Foster	Hill
Ayres	Denver	Fowler	Holland
Bartlett	Dickinson	Francis	Houston
Bathrick	Dickson, Miss.	Gardner, Mass.	Howard
Bell, Ga.	Difenderfer	Garner	Humphreys, Miss.
Boehne	Dixon, Ind.	Garrett	Jacoway
Booher	Doremus	Gill	Kinkaid, N. J.
Boiland	Doughton	Glass	Kitchin
Buchanan	Driscoll, M. E.	Goodwin, Ark.	Konop
Burgess	Edwards	Green, Iowa	Lawrence
Burleson	Evans	Gudger	Lee, Ga.
Byrnes, S. C.	Faison	Hamilin	Lever
Byrns, Tenn.	Fergusson	Hardwick	Littleton

Lloyd
McCreary
McKellar
Macon
Maguire, Nebr.
Maher
Merritt
Moon, Tenn.
Moore, Tex.
Morrison
Moss, Ind.
Norris
Oldfield
Olmsted
Padgett

Page
Patten, N. Y.
Pepper
Post
Pou
Randell, Tex.
Redfield
Reilly
Roddenberry
Rouse
Rucker, Mo.
Russell
Sabath
Saunders
Shackleford

Sherley
Sherwood
Sims
Sisson
Slayden
Stedman
Steenerson
Stephens, Miss.
Stephens, Nebr.
Stephens, Tex.
Sweet
Taggart
Talcott, N. Y.

Taylor, Ark.
Taylor, Colo.
Tribble
Turnbull
Vare
Webb
Wildner
Willis
Wilson, N. Y.
Wilson, Pa.
Witherspoon
Young, Mich.
Young, Tex.

NAYS—121.

Adair
Anderson
Austin
Barchfeld
Barnhart
Bartholdt
Bates
Berger
Broussard
Bulkley
Burke, Pa.
Burke, S. Dak.
Burke, Wis.
Burnett
Campbell
Cantrill
Cary
Clark, Fla.
Claypool
Clayton
Cooper
Copley
Crago
Crumpacker
Cullop
Currier
Curry
Dalzell
Davis, Minn.
De Forest
Dodds

Draper
Dupré
Dwight
Esch
Estopinal
Fairchild
Farr
Foss
French
Fuller
Gallagher
Graham
Gray
Greene, Mass.
Greene, Vt.
Gregg, Pa.
Hamilton, Mich.
Haugen
Hayden
Hayes
Heflin
Helgesen
Henry, Tex.
Howell
Howland
Hughes, W. Va.
Humphrey, Wash.
Jackson
James
Johnson, Ky.
Kahn

Kendall
Kennedy
Kent
Kindred
Knowland
Konig
La Follette
Langley
Lee, Pa.
Lenroot
Levy
Linthicum
Littlepage
Lobeck
Loud
McDermott
McGillcuddy
McGuire, Okla.
McKenzie
McKinney
McLaughlin
McMorran
Madden
Martin, S. Dak.
Mondell
Morgan, Okla.
Mott
Needham
Nelson
Patton, Pa.
Payne

Pickett
Plumley
Porter
Powers
Pray
Prince
Raker
Ransdell, La.
Rees
Roberts, Mass.
Rodenberg
Rothermel
Rucker, Colo.
Scott
Sells
Sloan
Smith, J. M. C.
Stephens, Cal.
Stevens, Minn.
Stone
Sulloway
Switzer
Thayer
Towner
Underhill
Volstead
Weeks
Young, Kans.

ANSWERED "PRESENT"—5.

Browning
Mann

Riordan

Sparkman

Thistlewood

NOT VOTING—121.

Ames
Andrus
Ansberry
Anthony
Beall, Tex.
Blackmon
Bradley
Brantley
Brown
Butler
Calder
Callaway
Carlin
Carter
Conry
Covington
Cravens
Danforth
Davenport
Davidson
Davis, W. Va.
Dent
Dies
Donohoe
Driscoll, D. A.
Dyer
Ellerbe
Farris
Focht
Fordney
Gardner, N. J.

George
Gillett
Godwin, N. C.
Goetze
Goldfogle
Good
Gould
Gregg, Tex.
Griest
Guernsey
Hamill
Hamilton, W. Va.
Hammond
Harris
Harrison, Miss.
Harrison, N. Y.
Hart
Hartman
Hawley
Heald
Hinds
Hobson
Hughes, Ga.
Hull
Johnson, S. C.
Jones
Kinkaid, Nebr.
Kopp
Korbly
Lafean
Lafferty

Lamb
Langham
Lewis
Lindbergh
Lindsay
Longworth
McCall
McCoy
McKinley
Martin, Colo.
Matthews
Mays
Miller
Moon, Pa.
Moore, Pa.
Morgan, La.
Morse, Wis.
Murdock
Murray
Neeley
Nye
O'Shaunessy
Palmer
Parran
Peters
Prouty
Pujo
Rainey
Rauch
Reyburn
Richardson

Roberts, Nev.
Rubey
Scully
Sharp
Simmons
Slomp
Smith, Saml. W.
Smith, N. Y.
Speer
Stack
Stanley
Sterling
Talbot, Md.
Taylor, Ala.
Taylor, Ohio
Thomas
Tilson
Townsend
Tuttle
Underwood
Vreeland
Warburton
Watkins
Whitacre
White
Wilson, Ill.
Wood, N. J.
Woods, Iowa

So, two-thirds not having voted in favor thereof, the motion to dispense with proceedings under Calendar Wednesday was rejected.

The Clerk announced the following pairs:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. UNDERWOOD with Mr. MANN.

Mr. PALMER with Mr. HILL.

Mr. FORNES with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BROWN with Mr. DYER.

Mr. BRANTLEY with Mr. AMES.

Mr. BLACKMON with Mr. ANTHONY.

Mr. BEALL of Texas with Mr. CALDER.

Mr. ANSBERRY with Mr. BUTLER.

Mr. RAINEY with Mr. MCCALL.

Mr. MORGAN of Louisiana with Mr. GOOD.

Mr. GOULD with Mr. HINDS.

Mr. MURRAY with Mr. HARRIS.
 Mr. JOHNSON of South Carolina with Mr. GILLET.
 Mr. SPARKMAN with Mr. DAVIDSON.
 Mr. KITCHIN with Mr. FORDNEY.
 Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).
 Mr. CALLAWAY with Mr. DANFORTH.
 Mr. CARLIN with Mr. FOCHT.
 Mr. CARTER with Mr. GARDNER of New Jersey.
 Mr. COVINGTON with Mr. HARTMAN.
 Mr. DAVENPORT with Mr. HAWLEY.
 Mr. DAVIS of West Virginia with Mr. HEALD.
 Mr. DENT with Mr. KINKAD of Nebraska.
 Mr. DIES with Mr. KOPP.
 Mr. DONOHUE with Mr. LAFEAN.
 Mr. DANIEL A. DRISCOLL with Mr. LAFFERTY.
 Mr. FERRIS with Mr. LINDBERGH.
 Mr. GOLDFOGLE with Mr. LONGWORTH.
 Mr. GEORGE with Mr. MCKINLEY.
 Mr. GREGG of Texas with Mr. MATTHEWS.
 Mr. HARRISON of New York with Mr. MILLER.
 Mr. HARRISON of Mississippi with Mr. MOON of Pennsylvania.
 Mr. HUGHES of Georgia with Mr. MOORE of Pennsylvania.
 Mr. HULL with Mr. MURDOCK.
 Mr. KORBLY with Mr. NYE.
 Mr. LEWIS with Mr. PROUTY.
 Mr. MCCOY with Mr. REYBURN.
 Mr. NEELEY with Mr. ROBERTS of Nevada.
 Mr. O'SHAUNESSY with Mr. SIMMONS.
 Mr. PETERS with Mr. STERLING.
 Mr. PUJO with Mr. SLEMP.
 Mr. RAUCH with Mr. SAMUEL W. SMITH.
 Mr. RUBEN with Mr. SPEER.
 Mr. SHARP with Mr. TAYLOR of Ohio.
 Mr. SMITH of New York with Mr. TILSON.
 Mr. STANLEY with Mr. VREELAND.
 Mr. THOMAS with Mr. WARBURTON.
 Mr. TOWNSEND with Mr. WILSON of Illinois.
 Mr. TUTTLE with Mr. WOOD of New Jersey.
 Mr. WATKINS with Mr. WOODS of Iowa.
 Mr. WHITE with Mr. LANGHAM.
 Mr. MANN. Mr. Speaker, I voted "yea," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.
 The name of Mr. MANN was called, and he voted "Present."
 Mr. BROWNING. Mr. Speaker, I voted "nay." I am paired with my colleague, Mr. SCULLY, and I wish to withdraw my vote and be recorded as "present."
 The SPEAKER. The Clerk will call the gentleman's name.
 The name of Mr. BROWNING was called, and he voted "Present."
 Mr. THISTLEWOOD. Mr. Speaker, I voted "nay." I have a general pair with the gentleman from Alabama, Mr. RICHARDSON, and if he has not voted I desire to withdraw my vote and vote "present."
 The SPEAKER. The Clerk will call the gentleman's name.
 The name of Mr. THISTLEWOOD was called, and he voted "Present."

The result of the vote was announced as above recorded.
 The SPEAKER. Two-thirds not having voted in the affirmative, the motion to dispense with Calendar Wednesday is rejected, and the House resolves itself—
 Mr. HEFLIN. Mr. Speaker, pending that I ask unanimous consent that general debate on this bill be considered as closed, and that we take the bill up immediately under the five-minute rule.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that general debate on this bill be considered as closed, and that when the House goes into the Committee of the Whole House it be taken up under the five-minute rule.

Mr. COLLIER, Mr. Sisson, and Mr. MANN objected.
 Mr. HEFLIN. Mr. Speaker, I move that general debate upon this bill be considered as closed.

Mr. MANN. Mr. Speaker, I move as an amendment that further general debate on the bill be limited to two hours and a half.

Mr. SHERLEY. A parliamentary inquiry.
 The SPEAKER. The gentleman will state it.
 Mr. SHERLEY. Is it in order, the House having refused to dispense with Calendar Wednesday, to do anything than to go into Committee of the Whole automatically for the consideration of business?

The SPEAKER. This is Calendar Wednesday, and, if the Chair ruled the other way, they never would get through with it, Mr. SHERLEY. Does not the rule require it?

The SPEAKER. The rule requires that the House shall go into Committee of the Whole automatically, and it is in exactly the same position then as when a gentleman gets up ordinarily and moves to go into Committee of the Whole. The Chair has ruled that way three or four times, and he believes it is right.

Mr. MANN. On my amendment I ask for the previous question.

The SPEAKER. The gentleman from Illinois amends the motion, or offers to amend it.

Mr. GARDNER of Massachusetts. And, Mr. Speaker, I move to lay it on the table.

Mr. CANNON. Had you not better have the previous question apply to them both?

The SPEAKER. You must take them one at a time. The gentleman from Alabama [Mr. HEFLIN] moves that the debate be considered as closed.

Mr. Sisson. Mr. Speaker, I did not have an opportunity to speak four or five hours.

The SPEAKER. This question is not debatable, and the gentleman from Illinois [Mr. MANN] moves that the general debate close in two hours and a half, and on that he moves the previous question.

Mr. GARDNER of Massachusetts. And I make a preferential motion to lay that on the table.

Mr. CANNON. I suggest to the gentleman that he move the previous question on both the motion and the amendment.

Mr. MANN. I have moved the previous question on my amendment.

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. I moved that the general debate be considered as closed. The gentleman from Illinois [Mr. MANN] moves to limit general debate to two hours and a half. The gentleman from Massachusetts [Mr. GARDNER] moved to lay that motion on the table.

Mr. MANN. Oh, no.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves the previous question—

Mr. MANN. On my amendment.

The SPEAKER. And on that the gentleman from Massachusetts moves to lay it on the table.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If the previous question should be ordered, or whether it is ordered or not, does the previous question cover the amendment only?

Mr. MANN. That is all the previous question covers. I moved the previous question on my amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] simply moves the previous question on his own amendment.

Mr. HEFLIN. Mr. Speaker, would it be in order to move the previous question on the previous question?

The SPEAKER. The Chair will decide that in a minute.

Mr. CANNON. It seems to me, Mr. Speaker, the gentleman from Alabama should have opportunity to move the previous question on both.

Mr. MANN. He had an opportunity to do that and did not do it.

The SPEAKER. The gentleman from Alabama had an opportunity to do that and did not do it, and the gentleman from Illinois [Mr. MANN] did it, as far as he wanted to do it. [Laughter.]

Mr. CANNON. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If the previous question should be ordered and the amendment disposed of, then I will ask whether the gentleman from Alabama would be recognized to promptly move the previous question on his motion, and, if ordered, whether he would not thereby cut off an infinity of business?

The SPEAKER. He could if he were quick enough.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. As I understand it, the gentleman from Alabama made a motion, and the gentleman from Illinois [Mr. MANN] amended it. Would it not be in order now to move the previous question on the original motion and the amendments?

The SPEAKER. Not now. It would have been at one time, but it is now too late, and the gentleman from Massachusetts—to finish the statement of that situation—moved to lay the gentleman's motion on the table.

Mr. GARDNER of Massachusetts. To lay the amendment on the table.

Mr. COOPER. The motion of the gentleman from Massachusetts is a preferential motion and not an amendment to either of the other motions.

The SPEAKER. Of course, the motion of the gentleman from Massachusetts is preferential.

Mr. KAHN. Mr. Speaker—

Mr. HEFLIN rose.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. The gentleman from Massachusetts moves to lay the amendment of the gentleman from Illinois [Mr. MANN] on the table. If that motion prevails, what situation would the original motion be in?

The SPEAKER. That kills his amendment.

Mr. HEFLIN. And leaves the original motion as it was?

The SPEAKER. No. The original motion would go to the table with the amendment of the gentleman from Illinois.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Under parliamentary law an amendment in the third degree is not permissible, but there is only one amendment before the House.

The SPEAKER. That is true.

Mr. COOPER. That is the amendment of the gentleman from Illinois [Mr. MANN], to have the general debate run two hours and a half, and on that he moves the previous question.

The SPEAKER. Yes.

Mr. COOPER. Why is it not in order to amend that still further and have the previous question apply to the original motion and to this amendment?

Mr. MANN. Because the previous question has been demanded on my motion.

The SPEAKER. What the gentleman from Wisconsin [Mr. COOPER] suggests could have been done at the proper time.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. If the motion of the gentleman from Massachusetts to lay on the table should carry, would that take with it the bill and everything else connected with it?

The SPEAKER. It would not.

Mr. PAYNE. Mr. Speaker, I submit, as a part of the parliamentary inquiry, whether the motion to lay upon the table the amendment does not also take the motion of the gentleman from Alabama which is sought to be amended, and lay that upon the table?

Mr. WEBB. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. I move that the House do now adjourn.

Mr. PAYNE. I make the point of order that that is clearly dilatory.

Mr. MANN. That is dilatory.

Mr. WEBB. It is not dilatory.

Mr. MARTIN of South Dakota. It looks like it.

The SPEAKER. The question is on the motion of the gentleman from North Carolina to adjourn. That is the highest motion that can be made in this House.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. WEBB. I demand the yeas and nays, Mr. Speaker.

The question being taken on ordering the yeas and nays, the Speaker announced 41 yeas, not a sufficient number.

Mr. WEBB. I demand the other side.

The negative vote was taken.

The SPEAKER. On ordering the yeas and nays, the yeas are 41 and the yeas are 115. More than one-fifth having voted in the affirmative, the yeas and nays are ordered. The question is on the motion of the gentleman from North Carolina that the House do now adjourn.

The question was taken; and there were—yeas 77, nays 183, answered "present" 6, not voting 115, as follows:

YEAS—77.

Adamson	Byrns, Tenn.	Fields	Helm
Akin, N. Y.	Cline	Flood, Va.	Henry, Conn.
Anderson	Collier	Floyd, Ark.	Hill
Ashbrook	Davis, W. Va.	Foster	Houston
Bartlett	Denver	Garner	Howard
Bathrick	Dickinson	Garrett	Humphreys, Miss.
Boeber	Dickson, Miss.	Gregg, Tex.	Jacaway
Borland	Doremus	Gudger	Johnson, Ky.
Buchanan	Edwards	Hamlin	Kinkead, N. J.
Burgess	Evans	Hardwick	Lewis
Burleson	Falson	Hardy	McKellar
Byrnes, S. C.	Fergusson	Hay	Macon

Madden
Moon, Tenn.
Moore, Tex.
Morrison
Oldfield
Padgett
Page
Pepper

Randell, Tex.
Roddenberry
Rouse
Saunders
Sherwood
Sims
Sisson
Slayden

Small
Smith, Tex.
Steenerson
Stephens, Miss.
Stephens, Tex.
Taylor, Ark.
Tribble
Turnbull

Webb
Whitacre
Willis
Witherspoon
Young, Tex.

NAYS—183.

Adair
Alken, S. C.
Ainey
Alexander
Allen
Austin
Barchfield
Barnhart
Bartholdt
Bates
Bell, Ga.
Blackmon
Boehne
Brantley
Broussard
Browning
Bulkeley
Burke, Pa.
Burke, S. Dak.
Burke, Wis.
Campbell
Cannon
Cantrill
Cary
Clark, Fla.
Claypool
Clayton
Cooper
Copley
Cox
Crago
Crumpacker
Cullop
Curley
Currier
Dalzell
Davis, Minn.
De Forest
Dent
Difenderfer
Dodds
Doughton
Draper
Driscoll, M. E.
Dupré
Dwight

Ellerbe
Esch
Estopinal
Fairchild
Farr
Fitzgerald
Fornes
Foss
Fowler
Francis
French
Fuller
Gallagher
Gardner, Mass.
Gill
Glass
Godwin, N. C.
Goodwin, Ark.
Graham
Gray
Green, Iowa
Greene, Mass.
Greene, Vt.
Gregg, Pa.
Hamill
Hamilton, Mich.
Hayden
Hayes
Hefflin
Helgesen
Henry, Tex.
Hensley
Higgins
Hinds
Hobson
Howell
Howland
Hughes, W. Va.
Humphrey, Wash.
Jackson
James
Kahn
Kendall
Kennedy
Kent
Kindred

Kinkaid, Nebr.
Knowland
Konop
Kopp
La Follette
Langley
Lee, Ga.
Lee, Pa.
Lenroot
Lever
Levy
Lindbergh
Linthicum
Littlepage
Littleton
Lloyd
Lobeck
Loud
McCoy
McCreary
McDermott
McGillcuddy
McGuire, Okla.
McKenzie
McKinney
McLaughlin
McMorrison
Maguire, Nebr.
Martin, S. Dak.
Merritt
Miller
Moore, Pa.
Morgan, Okla.
Moss, Ind.
Mott
Murdock
Murray
Needham
Nelson
Norris
Olmsted
O'Shaunessy
Patten, N. Y.
Patton, Pa.
Payne
Pickett

Plumley
Porter
Post
Pou
Powers
Pray
Prince
Raker
Redfield
Rees
Roberts, Mass.
Rodenberg
Rothermel
Rucker, Colo.
Rucker, Mo.
Russell
Sabath
Scott
Scully
Sells
Sherley
Sloan
Smith, J. M. C.
Stedman
Stephens, Cal.
Stone
Sulloway
Sweet
Switzer
Taggart
Talcott, N. Y.
Taylor, Ohio
Thayer
Towner
Tuttle
Underhill
Vare
Volstead
White
Wilder
Wilson, N. Y.
Wood, N. J.
Woods, Iowa
Young, Kans.
Young, Mich.

Johnson, S. C.
Mann

Riordan
Shackleford

ANSWERED "PRESENT"—6.
Stevens, Minn.

Thistlewood

NOT VOTING—115.

Ames
Andrus
Ansberry
Anthony
Ayres
Beall, Tex.
Berger
Bradley
Brown
Burnett
Butler
Calder
Callaway
Candler
Carlin
Carter
Conry
Covington
Cravens
Curry
Danforth
Daugherty
Davenport
Davidson
Dies
Dixon, Ind.
Donohoe
Driscoll, D. A.
Dyer

Ferris
Finley
Focht
Fordney
Gardner, N. J.
George
Gillett
Goetze
Goldfogle
Good
Gould
Griest
Guernsey
Hamilton, W. Va.
Hammond
Harris
Harrison, Miss.
Harrison, N. Y.
Hart
Hartman
Haugen
Hawley
Heald
Holland
Hughes, Ga.
Hull
Jones
Kitchin
Konig

Korbly
Lafean
Lafferty
Lamb
Langham
Lawrence
Lindsay
Longworth
McCall
McKinley
Maher
Martin, Colo.
Matthews
Mays
Mondell
Moon, Pa.
Morgan, La.
Morse, Wis.
Neeley
Nye
Palmer
Parran
Peters
Prouty
Pujo
Rainey
Ransdell, La.
Rauch
Reilly

Reyburn
Richardson
Roberts, Nev.
Ruby
Sharp
Simmons
Slomp
Smith, Saml. W.
Smith, N. Y.
Sparkman
Speer
Stack
Stanley
Stephens, Nebr.
Sterling
Talbot, Md.
Taylor, Ala.
Taylor, Colo.
Thomas
Tilson
Townsend
Underwood
Vreeland
Warburton
Watkins
Weeks
Wilson, Ill.
Wilson, Pa.

So the House refused to adjourn.

The following additional pairs were announced:

Until further notice:

Mr. BURNETT with Mr. ANTHONY.

Mr. DIXON of Indiana with Mr. HAUGEN.

Mr. FINLEY with Mr. LAWRENCE.

Mr. CANDLER with Mr. CURRY.

Mr. CONRY with Mr. GRIEST.

Mr. HAMILTON of West Virginia with Mr. GUERNSEY.

Mr. HULL with Mr. WEEKS.

Mr. HOLLAND with Mr. HAWLEY.

Mr. MOSS of Indiana with Mr. HARTMAN.

Mr. REILLY with Mr. DANFORTH.

Mr. MANN. Mr. Speaker, I voted "no," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I wish to withdraw my vote and answer "present."

The result of the vote was then announced as recorded.

The SPEAKER. When the gentleman from North Carolina swept everything out of the way temporarily by his motion to adjourn, there were three or four parliamentary inquiries pending, one by the gentleman from California [Mr. KAHN], one by the gentleman from New York [Mr. PAYNE], and one by the gentleman from Wisconsin [Mr. COOPER]. The Chair will answer them all at once. In the first place, if the motion of the gentleman from Massachusetts [Mr. GARDNER] to lay on the table, which comes first, carries, that carries the amendment offered by the gentleman from Illinois [Mr. MANN], and with it the proposition of the gentleman from Alabama to close the debate. It does not carry with it the bill. It has nothing to do with the bill. If the motion of the gentleman from Massachusetts fails, then the vote comes on the motion of the gentleman from Illinois [Mr. MANN] on ordering the previous question, and then the vote on the amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the Gardner motion to lay on the table should be agreed to, thereby carrying the Hefflin motion to limit debate, would it then be in order for the gentleman from Alabama to again be recognized to move to close debate at once?

The SPEAKER. No, not at once; but it would be to close it in one minute or three hours, or any time between. The question now is on the motion of the gentleman from Massachusetts [Mr. GARDNER] to lay the Mann amendment on the table.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 111, answered "present" 6, not voting 134, as follows:

YEAS—130.

Ainey	Dwight	Kahn	Post
Akin, N. Y.	Esch	Kendall	Pou
Allen	Estopinal	Kennedy	Powers
Anderson	Fowler	Kent	Pray
Ashbrook	Francis	Kinkaid, Nebr.	Prince
Austin	French	Knowland	Raker
Ayres	Fuller	Konop	Randell, Tex.
Barchfeld	Gallagher	Lafferty	Rees
Blackmon	Gardner, Mass.	La Follette	Roberts, Mass.
Browning	Gill	Langley	Rodenberg
Bulkley	Glass	Lee, Pa.	Rucker, Colo.
Burke, Pa.	Godwin, N. C.	Levy	Russell
Burke, S. Dak.	Gould	Linthicum	Scott
Burke, Wis.	Graham	Littlepage	Sells
Campbell	Greene, Mass.	Lobeck	Sherley
Cantrill	Greene, Vt.	McGillicuddy	Sloan
Clark, Fla.	Gudger	McKenzie	Stephens, Cal.
Claypool	Hamill	McKinney	Stevens, Minn.
Cooper	Hamilton, Mich.	McMorran	Stone
Crago	Hayden	Madden	Sulloway
Crumpacker	Hayes	Martin, S. Dak.	Sweet
Cullop	Hefflin	Merritt	Switzer
Currier	Helgesen	Miller	Taggart
Curry	Henry, Conn.	Morgan, Okla.	Thayer
Dalzell	Henry, Tex.	Mott	Towner
Davis, Minn.	Higgins	Murdock	Underhill
Davis, W. Va.	Hinds	Murray	Volstead
De Forest	Howell	Needham	Willis
Dent	Howland	Nelson	Wood, N. J.
Dodds	Hughes, W. Va.	Olmsted	Young, Kans.
Draper	Humphrey, Wash.	Payne	Young, Mich.
Driscoll, M. E.	Jackson	Pickett	
Dupré	James	Plumley	

NAYS—111.

Adair	Doremus	Humphreys, Miss.	Roddenberg
Adamson	Doughton	Jacoway	Rouse
Alken, S. C.	Edwards	Kinkaid, N. J.	Rucker, Mo.
Alexander	Ellerbe	Kopp	Sabath
Barnhart	Evans	Lamb	Saunders
Bartlett	Falson	Lee, Ga.	Scully
Bell, Ga.	Fergusson	Lever	Sherwood
Boehne	Fields	Lewis	Sims
Booher	Fitzgerald	Lindbergh	Sisson
Borland	Floyd, Ark.	Littleton	Slayden
Brantley	Foster	Lloyd	Small
Buchanan	Garner	McCoy	Smith, J. M. C.
Burgess	Garrett	McCreary	Smith, Tex.
Burleson	Goodwin, Ark.	McGuire, Okla.	Stedman
Byrnes, S. C.	Gray	McKellar	Steenerson
Byrns, Tenn.	Gregg, Tex.	Macon	Stephens, Miss.
Callaway	Hamlin	Maguire, Nebr.	Stephens, Tex.
Candler	Hardwick	Mondell	Talcott, N. Y.
Cary	Hardy	Moore, Tenn.	Taylor, Ark.
Cline	Harrison, Miss.	Morrison	Taylor, Colo.
Collier	Haugen	Moss, Ind.	Tribble
Cox	Helm	Norris	Turnbull
Curley	Hensley	Oldfield	Whitacre
Daugherty	Hill	O'Shaunessy	Wilder
Denver	Holland	Padgett	Wilson, N. Y.
Dickinson	Houston	Page	Witherspoon
Dickson, Miss.	Howard	Patten, N. Y.	Young, Tex.
Difenderfer		Pepper	

ANSWERED "PRESENT"—6.

Fornes	McDermott	Riordan	Shackelford
Johnson, S. C.	Mann		

NOT VOTING—134.

Ames	Finley	Lawrence	Rothermel
Andrus	Flood, Va.	Lenroot	Ruby
Ansberry	Focht	Lindsay	Sharp
Anthony	Fordney	Longworth	Simmons
Bartholdt	Foss	Loud	Slemp
Bates	Gardner, N. J.	McCall	Smith, Saml. W.
Bathrick	George	McKinley	Smith, N. Y.
Beall, Tex.	Gillett	McLaughlin	Sparkman
Berger	Goeke	Maher	Speed
Bradley	Goldfogle	Martin, Colo.	Stack
Broussard	Good	Matthews	Stanley
Brown	Green, Iowa	Mays	Stephens, Nebr.
Burnett	Gregg, Pa.	Moore, Pa.	Sterling
Butler	Griest	Moore, Pa.	Talbot, Md.
Calder	Guernsey	Moore, Tex.	Taylor, Ala.
Cannon	Hamilton, W. Va.	Morgan, Ia.	Taylor, Ohio
Carlin	Hammond	Morse, Wis.	Thistlewood
Carter	Harris	Neeley	Thomas
Clayton	Harrison, N. Y.	Nye	Tilson
Conry	Hart	Palmer	Townsend
Copley	Hartman	Parran	Tuttle
Covington	Hawley	Patton, Pa.	Underwood
Cravens	Heald	Peters	Vare
Danforth	Hobson	Porter	Vreeland
Davenport	Hughes, Ga.	Prouty	Warburton
Davidson	Hull	Pujo	Watkins
Dies	Johnson, Ky.	Rainey	Webb
Dixon, Ind.	Jones	Ransdell, La.	Weeks
Donohoe	Kindred	Rauch	White
Driscoll, D. A.	Kitchin	Redfield	Wilson, Ill.
Dyer	Konig	Reilly	Wilson, Pa.
Fairchild	Korby	Reyburn	Woods, Iowa
Farr	Lafean	Richardson	
Ferris	Langham	Roberts, Nev.	

So the motion to lay on the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BATHRICK with Mr. BARTHOLDT.

Mr. CLAYTON with Mr. CANNON.

Mr. JOHNSON of Kentucky with Mr. COPLEY.

Mr. JONES with Mr. FOSS.

Mr. MAHER with Mr. GREEN of Iowa.

Mr. PALMER with Mr. PORTER.

Mr. REDFIELD with Mr. LOUD.

Mr. ROTHERMEL with Mr. HARTMAN.

Mr. WEBB with Mr. McLAUGHLIN.

Mr. TAYLOR of Alabama with Mr. VARE.

Mr. HART with Mr. TAYLOR of Ohio.

Mr. BERGER. Mr. Speaker, I did not hear my name called, though I was about here. I desire to vote.

The SPEAKER. Was the gentleman in the Hall, listening, when his name should have been called?

Mr. BERGER. Mr. Speaker, I believe I was in the Hall. I do not know whether I was in the Hall in time. I tried to get over in time from the House Office Building.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. BERGER. I do not know about that.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MANN. Mr. Speaker, inadvertently I voted "yea" on this roll. I wish to withdraw that vote and vote "present," as I am paired with the gentleman from Alabama, Mr. UNDERWOOD.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. GARDNER of Massachusetts. Mr. Speaker, I now move to close debate in three hours, and on that motion I demand the previous question.

Mr. MANN and Mr. COOPER rose.

Mr. HEFLIN. Mr. Speaker, I move to lay the motion of the gentleman from Massachusetts on the table.

Mr. MANN. That is right. I was just going to make that motion myself.

Mr. GARNER. Mr. Speaker, it must be clear to everyone in the House—

The SPEAKER. Debate is not in order on a motion to table.

Mr. GARNER. Then I desire to make a motion to adjourn.

The SPEAKER. The Chair will hold that motion to be dilatory.

Mr. GARNER. Mr. Speaker, do I understand the Speaker to hold, at 20 minutes of 5 o'clock, when a motion has been made that we have three hours of debate, and another motion to lay that motion on the table has been made, that a motion to adjourn is dilatory?

The SPEAKER. The Chair holds that at this stage of the session, with the business in the condition that it is, at 20 minutes of 5 o'clock in the evening a motion to adjourn is dilatory. [Applause.]

The gentleman from Massachusetts moves that debate close in three hours, and on that motion he demands the previous

question. The gentleman from Alabama [Mr. HEFLIN] moves to lay that motion on the table. The question is on the motion to lay on the table.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 119, noes 81.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 113, answered "present" 3, not voting 132, as follows:

YEAS—133.

Adair	Dwight	Kent	Pickett
Alney	Esch	Kinkaid, Nebr.	Plumley
Anderson	Estopinal	Knowland	Post
Austin	Farr	Konig	Pou
Barchfield	Foss	Konop	Powers
Barnhart	Fowler	Kopp	Pray
Bell, Ga.	Francis	Lafferty	Raker
Berger	French	La Follette	Ransdell, La.
Broussard	Fuller	Langley	Rees
Browning	Gallagher	Lawrence	Roberts, Mass.
Bulkley	Godwin, N. C.	Lee, Pa.	Rodenberg
Burke, Pa.	Gould	Lenroot	Rucker, Mo.
Burke, S. Dak.	Graham	Levy	Russell
Burke, Wis.	Greene, Mass.	Lindbergh	Sabath
Calder	Gudger	Linthicum	Scott
Campbell	Hamill	Lobeck	Sells
Cantrill	Hamilton, Mich.	Loud	Sloan
Claypool	Hayden	McGuire, Okla.	Stanley
Cooper	Haves	McKenzie	Stephens, Cal.
Crago	Hefflin	McKinney	Stephens, Nebr.
Crumpacker	Heigesen	McLaughlin	Stone
Cullop	Henry, Conn.	McMorrin	Sweet
Curley	Higgins	Madden	Switzer
Currier	Hinds	Martin, S. Dak.	Talcott, N. Y.
Curry	Hobson	Miller	Thayer
Dalzell	Howard	Morgan, Okla.	Towner
Davenport	Howell	Mott	Vare
Davis, Minn.	Howland	Murdock	Volstead
De Forest	Hughes, W. Va.	Needham	Wood, N. J.
Dent	Humphrey, Wash.	Nelson	Young, Kans.
Dodds	James	Norris	Young, Mich.
Draper	Kahn	Olmsted	
Driscoll, M. E.	Kendall	Patton, Pa.	
Dupré	Kennedy	Payne	

NAYS—113.

Adamsen	Evans	Kinkead, N. J.	Sisson
Aiken, S. C.	Falson	Lee, Ga.	Slayden
Akin, N. Y.	Fergusson	Lever	Small
Alexander	Fields	Lewis	Smith, J. M. C.
Allen	Fitzgerald	Littlepage	Smith, Tex.
Ashbrook	Flood, Va.	McCoy	Stedman
Bartlett	Floyd, Ark.	McCreary	Steenerson
Bathrick	Foster	McKellar	Stephens, Miss.
Bocher	Gardner, Mass.	Macon	Stephens, Tex.
Borland	Garner	Maguire, Nebr.	Taggart
Buchanan	Garrett	Moon, Tenn.	Taylor, Ark.
Burgess	Gill	Moore, Tex.	Taylor, Colo.
Burleson	Glass	Morrison	Tribble
Byrnes, S. C.	Goodwin, Ark.	Moss, Ind.	Turnbull
Byrnes, Tenn.	Gray	Murray	Tuttle
Callaway	Green, Iowa	Oldfield	Underhill
Candler	Gregg, Tex.	O'Shaunessy	Webb
Cary	Hamlin	Padgett	Whitacre
Cline	Hardy	Page	White
Collier	Harrison, Miss.	Patten, N. Y.	Wilder
Cox	Hay	Pepper	Willis
Daguerth	Helm	Roddenbery	Wilson, N. Y.
Denver	Henry, Tex.	Rothermel	Wilson, Pa.
Dickinson	Hensley	Rouse	Witherspoon
Difenderfer	Hill	Saunders	Woods, Iowa
Doremus	Holland	Shackleford	Young, Tex.
Doughton	Houston	Sherley	
Edwards	Humphreys, Miss.	Sherwood	
Ellerbe	Jacoway	Sims	

ANSWERED "PRESENT"—3.

Fornes	McDermott	Mann
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NOT VOTING—132.

Ames	Dickson, Miss.	Hartman	Merritt
Andrus	Dies	Haugen	Mondell
Ansberry	Dixon, Ind.	Hawley	Moon, Pa.
Anthony	Donohoe	Heald	Moore, Pa.
Ayres	Driscoll, D. A.	Hughes, Ga.	Morgan, La.
Bartholdt	Dyer	Hull	Morse, Wis.
Bates	Fairchild	Jackson	Neeley
Beall, Tex.	Ferris	Johnson, Ky.	Nye
Blackmon	Finley	Johnson, S. C.	Palmer
Boehne	Focht	Jones	Parran
Bradley	Fordney	Kindred	Peters
Brantley	Gardner, N. J.	Kitchin	Porter
Brown	George	Korbly	Prince
Burnett	Gillett	Lafean	Prouty
Butler	Goeke	Lamb	Pujo
Cannon	Goldfogle	Langham	Rainey
Carlin	Good	Lindsay	Randell, Tex.
Carter	Greene, Vt.	Littleton	Rauch
Clark, Fla.	Gregg, Pa.	Lloyd	Redfield
Clayton	Griest	Longworth	Reilly
Conry	Guernsey	McCall	Reyburn
Copley	Hamilton, W. Va.	McGillcuddy	Richardson
Covington	Hammond	McKinley	Riordan
Cravens	Hardwick	Maher	Roberts, Nev.
Danforth	Harris	Martin, Colo.	Rubey
Davidson	Harrison, N. Y.	Matthews	Rucker, Colo.
Davis, W. Va.	Hart	Mays	Scully

Sharp
Simmons
Siemp
Smith, Saml. W.
Smith, N. Y.
Sparkman

Speer
Stack
Sterling
Stevens, Minn.
Sullivan
Talbot, Md.

Taylor, Ala.
Taylor, Ohio
Thistlewood
Thomas
Tilson
Townsend

Underwood
Vreeland
Warburton
Watkins
Weeks
Wilson, Ill.

So the motion to lay on the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LINDSAY with Mr. McLAUGHLIN.

Mr. MARTIN of Colorado with Mr. TAYLOR of Ohio.

Mr. RUCKER of Colorado with Mr. SULLOWAY.

Mr. DICKSON of Mississippi with Mr. VREELAND.

Mr. GOEKE with Mr. PRINCE.

Mr. SHARP with Mr. MERRITT.

Mr. AYRES with Mr. BARTHOLOTT.

Mr. KINDRED with Mr. PROUTY.

Mr. CLARK of Florida with Mr. GREENE of Vermont.

Mr. BRANTLEY with Mr. DANFORTH.

Mr. BARDWICK with Mr. JACKSON.

Mr. MANN. Mr. Speaker, I voted "no." I desire to withdraw my vote, because I am paired, and ask to be recorded as answering "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. HEFLIN. Mr. Speaker, I move that general debate close in five minutes, and on that I demand the previous question.

Mr. MANN. Mr. Speaker, I move to lay that motion on the table.

Mr. LENROOT. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. MANN. I wish to be heard upon that.

The SPEAKER. Upon what?

Mr. MANN. Upon the point of order which the gentleman has made.

The SPEAKER. What is it the gentleman desires to be heard on?

Mr. MANN. The gentleman from Wisconsin made a point of order that some motion was dilatory—I suppose the motion which I made to lay on the table. Now, Mr. Speaker, the House has just laid on the table two motions, and to say that a proposition to lay a third on the table is dilatory is wild imagination. If the House had refused to lay on the table a former motion, it might with some justice be claimed that a motion to lay on the table a third time was dilatory; but when the House has laid two of these propositions—one to close debate instantly, one to close debate in three hours—on the table, it seems to me that the House has shown its disposition to not endeavor to close debate at all.

Mr. LAFFERTY. Will the gentleman yield to me for a question?

Mr. MANN. If it is a parliamentary question.

Mr. LAFFERTY. It is a question touching the argument of the gentleman. Is it not a fact that the House has twice shown that it wants to vote on the main question involved and that—

Mr. MANN. It has not, because if it had even the gentleman from Oregon would not have voted to lay the main question on the table if he wanted to vote on it, and he so voted twice.

Mr. LAFFERTY. The parliamentary skirmish here is to avoid voting on the main question.

The SPEAKER. The Chair thinks the motion is dilatory, and every man in the House believes the same. [Applause.] The question is on ordering the previous question.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. CULLOP. Division, Mr. Speaker.

The SPEAKER. The gentleman from Indiana demands a division.

The House divided; and there were—ayes 86, noes 89.

Mr. HEFLIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Those in favor of ordering the yeas and nays on the previous question will rise and stand until they are counted. [After counting.] Eighty-five gentlemen have risen, a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 114, nays 117, answered "present" 1, not voting 149, as follows:

YEAS—114.

Ainey	Browning	Cantrill	Cullop
Anderson	Bulkley	Cary	Curley
Austin	Burke, Pa.	Clayton	Currier
Bates	Burke, S. Dak.	Cooper	Dalzell
Bell, Ga.	Calder	Crago	Davis, Minn.
Broussard	Cannon	Crumpacker	De Forest

Dent	Helgesen	McGuire, Okla.	Rodenberg
Dodds	Higgins	McKinney	Rothermel
Dupré	Hinds	McLaughlin	Russell
Dwight	Hobson	Martin, S. Dak.	Scott
Esch	Howell	Merritt	Slomp
Estopinal	Howland	Miller	Sloan
Farr	Humphrey, Wash.	Morgan, Okla.	Smith, J. M. C.
Foss	Kahn	Murdock	Stephens, Cal.
Fowler	Kendall	Murray	Stevens, Minn.
Francis	Kennedy	Needham	Stone
French	Kent	Nelson	Switzer
Gallagher	Kinkaid, Nebr.	Norris	Thayer
Gill	Knowland	Patton, Pa.	Towner
Godwin, N. C.	Konig	Payne	Underhill
Gould	Konop	Pickett	Vare
Greene, Mass.	Kopp	Plumley	Volstead
Hamill	Lafferty	Porter	Weeks
Hamilton, Mich.	La Follette	Pou	White
Harrison, N. Y.	Lee, Pa.	Pray	Woods, Iowa
Hart	Lenroot	Raker	Young, Kans.
Hayden	Levy	Ransdell, La.	Young, Mich.
Hayes	Lobeck	Rees	
Hefflin	McDermott	Roberts, Mass.	

NAYS—117.

Adair	Faison	Lee, Ga.	Sims
Adamson	Ferguson	Lever	Sisson
Aiken, S. C.	Fields	Lewis	Slayden
Akin, N. Y.	Fitzgerald	Lindbergh	Small
Alexander	Floyd, Ark.	McCoy	Smith, Tex.
Allen	Foster	McCreary	Stanley
Ayres	Gardner, Mass.	McKellar	Stedman
Barnhart	Garner	Macon	Steenerson
Bartlett	Garrett	Maguire, Nebr.	Stephens, Miss.
Bathrick	Glass	Mann	Stephens, Nebr.
Beall, Tex.	Goodwin, Ark.	Moon, Tenn.	Stephens, Tex.
Boeber	Gray	Moore, Tex.	Sweet
Borland	Green, Iowa	Morrison	Taggart
Buchanan	Gregg, Tex.	Moss, Ind.	Talcott, N. Y.
Burgess	Gudger	Oldfield	Taylor, Ark.
Byrnes, S. C.	Hamlin	O'Shaunessy	Taylor, Colo.
Byrns, Tenn.	Hardwick	Padgett	Tribble
Callaway	Hardy	Page	Turnbull
Candler	Harrison, Miss.	Pepper	Tuttle
Cline	Hay	Post	Webb
Collier	Helm	Powers	Whitacre
Cox	Hensley	Prouty	Wilder
Denver	Hill	Redfield	Willis
Dickson, Miss.	Holland	Roddenberry	Wilson, N. Y.
Diffenderfer	Houston	Rouse	Wilson, Pa.
Doremus	Humphreys, Miss.	Sabath	Witherspoon
Doughton	Jacoway	Saunders	Young, Tex.
Edwards	Johnson, S. C.	Scully	
Ellerbe	Kinkaid, N. J.	Shackelford	
Evans	Lawrence	Sherwood	

ANSWERED "PRESENT"—1.

Olmsted

NOT VOTING—149.

Ames	Driscoll, M. E.	Kindred	Rainey
Andrus	Dyer	Kitchin	Randall, Tex.
Ansberry	Fairchild	Korbly	Rauch
Anthony	Ferris	Lafean	Reilly
Ashbrook	Finley	Lamb	Reyburn
Barchfeld	Flood, Va.	Langham	Richardson
Bartholdt	Focht	Langley	Riordan
Berger	Fordney	Lindsay	Roberts, Nev.
Blackmon	Fornes	Lithicum	Rubey
Boehne	Fuller	Littlepage	Rucker, Colo.
Bradley	Gardner, N. J.	Littleton	Rucker, Mo.
Brantley	George	Lloyd	Sells
Brown	Gillett	Longworth	Sharp
Burke, Wis.	Goeke	Loud	Sherley
Burleson	Goldfogle	McCall	Simmons
Burnett	Good	McGillcuddy	Smith, Saml. W.
Butler	Graham	McKenzie	Smith, N. Y.
Campbell	Greene, Vt.	McKinley	Sparkman
Carlin	Gregg, Pa.	McMorrin	Speer
Carter	Griest	Madden	Stack
Clark, Fla.	Guernsey	Maher	Sterling
Claypool	Hamilton, W. Va.	Martin, Colo.	Suloway
Conry	Hammond	Matthews	Talbott, Md.
Copley	Harris	Mays	Taylor, Ala.
Covington	Hartman	Mondell	Taylor, Ohio
Cravens	Haugen	Moon, Pa.	Thistlewood
Curry	Hawley	Moore, Pa.	Thomas
Danforth	Heald	Morgan, La.	Tilson
Daugherty	Henry, Conn.	Morse, Wis.	Townsend
Davenport	Henry, Tex.	Mott	Underwood
Davidson	Howard	Neeley	Vreeland
Davis, W. Va.	Hughes, Ga.	Nye	Warburton
Dickinson	Hughes, W. Va.	Palmer	Watkins
Dies	Hull	Parran	Wilson, Ill.
Dixon, Ind.	Jackson	Patten, N. Y.	Wood, N. J.
Donohoe	James	Peters	
Draper	Johnson, Ky.	Prince	
Driscoll, D. A.	Jones	Pujo	

So the previous question was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. CAMPBELL (for the previous question) with Mr. BURLESON (against).

Mr. STERLING (for the previous question) with Mr. PATTEN of New York (against).

Until further notice:

Mr. SHERLEY with Mr. OLMSTED.

Mr. BLACKMON with Mr. VREELAND.

Mr. ASHBROOK with Mr. MICHAEL E. DRISCOLL.

Mr. CLAYPOOL with Mr. FULLER.

Mr. HOWARD with Mr. JACKSON.
Mr. UNDERWOOD with Mr. TAYLOR of Ohio.
Mr. JAMES with Mr. LANGLEY.

Mr. OLMSTED. Mr. Speaker, I voted "yea," but I am paired with the gentleman from Kentucky, Mr. SHERLEY, and, finding he did not vote, I desire to withdraw my vote and vote "present."

The name of Mr. OLMSTED was called, and he voted "Present."

The result of the vote was announced as above recorded.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair wishes the gentleman would withhold that motion for a moment, until the House can transact some routine business.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. DIES, for 3 days, on account of illness.

Mr. DANFORTH, indefinitely, on account of illness.

Mr. DONOHUE, for 10 days, on account of illness.

RESIGNATION FROM A CONFERENCE COMMITTEE.

The SPEAKER. The Chair lays before the House a letter he has received from Hon. SCOTT FERRIS, of Oklahoma, which the Clerk will report.

The Clerk read as follows:

FEBRUARY 12, 1913.

To the Hon. CHAMP CLARK,
Speaker House of Representatives,
Washington, D. C.

Sir: Owing to the necessity of my being absent from the House of Representatives on important business during the next 10 days, I respectfully ask to be relieved from serving on the conference committee on the part of the House of Representatives on H. R. 23293, and ask you to substitute in my place Hon. EDWARD T. TAYLOR, of Colorado, the next ranking member on the committee, and oblige,

Yours, respectfully,

SCOTT FERRIS.

The SPEAKER. Without objection, the gentleman from Oklahoma [Mr. FERRIS] will be excused from service on the conference committee, and the Chair will appoint Mr. TAYLOR of Colorado in his place.

There was no objection.

BILLS ON THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the desk.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent for the present consideration of the following order, which the Clerk will report.

The Clerk read as follows:

Ordered, That on Friday next, February 14, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider only, in the House or in Committee of the Whole, bills on the Private Calendar which were not considered and objected to on Monday, February 10, after which it shall be in order to consider the remainder of said calendar.

Mr. MANN. Reserving the right to object, Mr. Speaker, I thought the gentleman from North Carolina desired to ask that bills which were not objected to on Friday night should be considered with a view to giving every Member with a bill on the Private Calendar an opportunity to bring it before the House on a kind of unanimous-consent private calendar.

Mr. POU. Mr. Speaker, I ask leave to modify the order.

The SPEAKER. The gentleman from North Carolina asks leave to modify the order.

Mr. POU. I submit the order in a modified form.

The SPEAKER. The Clerk will report the order as modified. The Clerk read as follows:

Ordered, That on Friday next, February 14, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider, by unanimous consent only, in the House or in Committee of the Whole bills on the Private Calendar which were not considered or objected to on Monday, February 10, after which it shall be in order to consider the remainder of said calendar.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under that order, as I understand, bills on the Private Calendar will be called and the question raised whether objection has been made to them, as it has been made heretofore.

Mr. POU. That is the object of the order. It was intended that it should be drawn that way.

The SPEAKER. The intention of this order is to enable the House to proceed exactly as the House proceeded on Monday night, beginning where it left off then. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until 10.30 o'clock to-morrow morning.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that when the House adjourns to-day it adjourn until 10.30 o'clock to-morrow morning. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, is it the understanding that the diplomatic and consular bill shall come up the first thing to-morrow?

Mr. FOSTER. Yes.

Mr. MANN. Why not make it 11 o'clock to-morrow?

Mr. FOSTER. Well, I will make it 11 o'clock a. m.

The SPEAKER. Is there objection?

There was no objection.

REPRINT OF SENATE BILL 4043 RELATING TO INTERSTATE SHIPMENT OF LIQUORS.

Mr. WEBB. Mr. Speaker, at the request of the gentleman from South Carolina [Mr. FINLEY], chairman of the Committee on Printing, I renew the request that there be printed as a document Senate bill 4043 as it passed the House. There is not a copy to be had in the document room of this House or of the Senate.

Mr. MANN. Does the gentleman mean to have it printed in bill form?

Mr. WEBB. Yes.

The SPEAKER. Is there objection?

There was no objection.

EXCHANGE OF LANDS FOR SCHOOL SECTIONS IN GOVERNMENT RESERVATIONS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a letter from Hon. Walter L. Fisher, Secretary of the Interior, relating to the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes. The Committee on Public Lands have made a report, and this is an important letter relating to that bill.

The SPEAKER. The gentleman from California asks unanimous consent to have printed in the RECORD a letter from the Secretary of the Interior in relation to Senate bill 5068. Is there objection?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1913.

Mr. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: My attention has been recently called to S. 5068, being a bill "to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes."

The general purpose of this bill is similar to H. R. 19344. The Senate bill as amended was passed by the Senate August 15, 1912. The matter of exchange, the subject of these bills, has been the subject of several previous reports from this department addressed to your committee. The bill as passed by the Senate seems to safeguard the public interests, and I would recommend its passage if the last proviso is stricken from the bill. Thereby it is provided: "That the provisions of this act shall not apply to the State of Idaho."

This is a general exchange measure authorizing the Secretary of the Interior, in his discretion, to make exchanges of lands within the several States for those portions of the land granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by the act of February 28, 1891 (36 Stat., 796). The department has heretofore made exchanges of this sort under sections 2275 and 2276, as amended, and, as before stated, believes the sections above quoted ample authority therefor, even though this legislation should fail.

The necessity for the bill results from an opinion by Judge Wellborn in the case of *Hibbard v. Slack* (84 Fed. Rep., 571), in which it is held that an act of February 28, 1891, amending sections 2275 and 2276, Revised Statutes, does not contemplate an exchange of lands between the State and the United States, but only indemnity for loss to a State because of inclusion of school lands within a forest or other reservation prior to their identification by the Government survey. Although this decision has never been followed by the Land Department in the administration of the school grants to the several States, it has nevertheless been thought by interested parties that the passage of this legislation would greatly relieve the situation. When it is remembered that the department has heretofore made these exchanges under the sections above quoted and has exchanged with the State of Idaho already about 350,000 acres, that there are at least that many additional selections pending unacted upon, and that the present bill merely authorizes exchanges in the manner and subject to the conditions and limitations of those sections, the effect of the last proviso to the bill as passed by the Senate can readily be appreciated. Assuming that it may not affect exchanges heretofore made—that is, carried into effect by final approval and acceptance by the Secretary of the Interior—it would certainly raise the question as to whether further exchanges of this sort were permissible with the State of Idaho.

The State, by its legislature, in 1911 authorized its officers to make exchanges of this sort with the United States and ratified and approved all previous exchanges made or applied for. The purpose in including this proviso, therefore, can not be understood; but should the bill be passed retaining the proviso, I would not feel free to make further exchanges of this sort with the State. I therefore earnestly recommend to the consideration of your committee the advisability of eliminating this proviso. With its exclusion, however, as hereinbefore stated, I think the public interest will be preserved, and I should recommend its early enactment.

Very respectfully,

WALTER L. FISHER, Secretary.

ADJOURNMENT.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned, in accordance with the order previously made, until to-morrow, Thursday, February 13, 1913, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Galveston Harbor and adjacent waterways, Texas (H. Doc. No. 1390); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Savannah River at North Augusta, S. C. (H. Doc. No. 1389); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Terrys Creek and Back River from the mouth to its junction with Mackeys River, tributary to Brunswick Harbor, Ga. (H. Doc. No. 1391); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Acting Secretary of Commerce and Labor, referring to Senate bill 8369 to donate the Old Exchange Building in Charleston, S. C., to the Daughters of the American Revolution and advising Congress that the building is now used by the Lighthouse Service (H. Doc. No. 1388); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 26189) granting certain coal lands to the city of Grand Junction, Colo., reported the same without amendment, accompanied by a report (No. 1511), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SWEET, from the Committee on Military Affairs, to which was referred the bill (H. R. 26648) for the relief of David Crowther, reported the same without amendment, accompanied by a report (No. 1510), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 28738) for the erection of a public building at Washington, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. COX: A bill (H. R. 28739) to purchase a post-office site at French Lick, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 28740) for the appointment of a commission with the view of providing a reservation in Oklahoma for the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. FARR: A bill (H. R. 28741) to authorize the Secretary of War to donate two condemned brass or bronze cannon and cannon balls to Lieutenant Ezra S. Griffin Post, No. 139, Grand Army of the Republic, Scranton, Pa.; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 28742) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 829) directing the Secretary of the Treasury to furnish the House of Representatives with certain information; to the Committee on Ways and Means.

By the SPEAKER (by request): Memorial from the Legislature of the State of Idaho, asking that the three-year homestead bill, approved June 6, 1912, be amended so as to not require cultivation of homesteads; to the Committee on the Public Lands.

Also (by request), memorial from the Legislature of the State of California, praying for the passage of the Newlands bill to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 28743) for the relief of the heirs of Andrew D. Kent, deceased; to the Committee on War Claims.

By Mr. LAWRENCE: A bill (H. R. 28744) granting an increase of pension to Margaret Kelley; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 28745) to remove the charge of desertion from the military record of Jacob Snyder; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of H. D. Arnot and 90 other citizens of Newark and Hanover, Ohio, asking that Congress investigate the conduct of the Interior Department with reference to the Uncle Sam Oil Co.; to the Committee on the Public Lands.

By Mr. AYRES: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

By Mr. BROWNING: Petition of James Milton Conover, Carlisle, Pa., favoring the passage of legislation placing the Military and Naval Academies in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. DICKINSON: Papers to accompany bill (H. R. 27596) granting an increase of pension to George W. Wade; to the Committee on Invalid Pensions.

Also, petition of citizens of Rich Hill, Worland, Butler, Foster, Adrain, Archie, Eldorado Springs, Montrose, Rockville, Drexel, Amsterdam, Merwin, Amoret, and Hume, all in the sixth congressional district of Missouri, favoring the passage of legislation for the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Leeton, Blairston, Windsor, Belton, Harrisonville, Holden, Calhoun, Centerville, and Warrensburg, all in the sixth congressional district of Missouri, favoring the passage of legislation compelling concerns selling direct to the consumer by mail to pay their portions of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Lime Ridge and vicinity, Wisconsin, favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. FORNES: Petition of the Children's Aid Society, New York, N. Y., favoring the passage of the Page bill (S. 3), granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

By Mr. LAFEAN: Petition of Ladies' Auxiliary No. 49, National Association of Letter Carriers, Braddock, Pa., favoring the passage of the Hamill retirement bill, providing for pensioning Government clerks; to the Committee on Pensions.

By Mr. LA FOLLETTE: Petition of the System Federation of Harriman Railroads, favoring passage of legislation for making investigation of the condition of equipment of the railroads and for the improvement of the condition of the American railway employees; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: Petition of members of Company I, First Regiment Kentucky State Guard, favoring the passage of the Langley-Russell bill, for extending the provisions of the Sherwood bill to include the State militia; to the Committee on Invalid Pensions.

Also, petition of veterans of the Civil War of Auburn, Me.; Josiah Whippley, Newell, W. Va.; John Otterbacker, Charlottesville, Va.; W. M. Sterent, Beaver Dam, Pa.; George Shange, Wesley, Pa.; and Wesley J. Knaggs, Bay City, Mich., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

Also, petition of the Pratt Institute, Brooklyn, N. Y., and Clarence E. Meleney, associate city superintendent department of education, New York, N. Y., favoring the passage of the Page bill (S. 3), granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Central Labor Union of Brooklyn, N. Y., favoring the insertion of a clause in this year's naval appropriation bill providing for the building of one of the new battleships in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. OLMSTED: Petition of citizens of Shippensburg, Pa., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Anne Langworthy Waite, Westerly, R. I., favoring the passage of the Prouty "red-light" bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the Rhode Island Field Naturalist Club, Providence, R. I., favoring the passage of the McLean bill granting Federal aid for the protection of all migratory birds; to the Committee on Agriculture.

By Mr. PATTEN of New York: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

By Mr. PETERS: Petition of the American Academy of Arts and Sciences, Boston, Mass., protesting against the use of the "American Academy of Arts" by the American Academy of Arts and Letters, now seeking incorporation in the House of Representatives and Senate; to the Committee on the Library.

By Mr. RAKER: Petition of the citrus growers of southern California, favoring the passage of legislation making an appropriation of \$100,000 for assistance and protection of fruit and citrus growers of California; to the Committee on Agriculture.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the development of the shell fisheries; to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: Petition of the Outlook Class of the Central Congregational Church, Newtonville, Mass., and the Men's Class, Phillips Church, Watertown, Mass., favoring the passage of the Kenyon-Sheppard bill preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of the Men's Class, Phillips Church, Watertown, Mass., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.